

OFFICIAL POSITIONS AFTER THE TIME OF CONSTANTINE

BY
MARIO EMILIO COSENZA

DISSERTATION

SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR
THE DEGREE OF DOCTOR OF PHILOSOPHY IN THE FACULTY
OF PHILOSOPHY IN COLUMBIA UNIVERSITY

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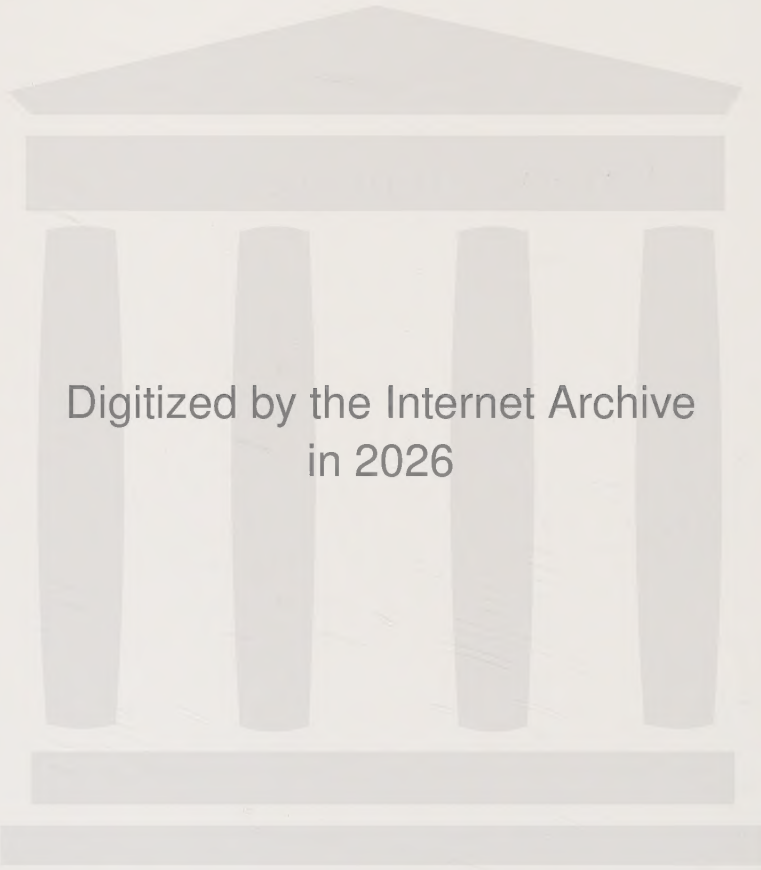
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OFFICIAL POSITIONS AFTER THE TIME OF CONSTANTINE

CHAPTER I.

GENERAL VIEW.

1. Upon the entrance of Constantine to sole power, the Roman world made a great step towards the completion of the reforms begun under Diocletian. Special emphasis must be laid upon the fact that it was only a step towards the logical conclusion of the institutions as outlined by previous emperors, and which did not take absolute and fixed form until the beginning of the fifth century. All positions underwent a gradual change, from the highest to the lowest without exception, from the emperor and his splendid court to the lowest officer of the government.

2. Diocletian was the first to make any reforms that might truly be called revolutionary; it is sufficient to mention the establishment of the capital at Nicomedia and that of the four-fold government of *Augusti* and *Caesares*. But though these changes were sufficiently great in themselves, one must not lose sight of their deeper consequences, especially those resulting from the transference of the capital to the East. By this one act all hopes for the continuance of republican institutions, no matter in how degraded a form, must have left the mind of even the most hopeful dreamer. Everything was now against the maintenance of them. The East, if it has ever stood for anything, has stood for luxury and monarchy. And so Diocletian frankly separated from republican institutions, even in form. To this end there contributed another powerful cause, the fact that the emperors, having experienced what it meant to have the common soldiers, and particularly the Praetorians, lose respect for the head of the empire (since in many cases it was from

among the soldiers themselves that the emperors sprang), surrounded themselves with a court based upon that of the Orientals as a model, and it was not long before the organization of the whole empire became absolutely Eastern.

3. Entrance to the royal person, hedged round as he was with all the pomp of Oriental monarchies, was made a task difficult in the extreme. It was placed under the general charge of a *magister officiorum* and under the more special charge of a group of *admissionales*. When permission was once obtained, or rather granted, the recipient had humbly to prostrate himself and adore the purple of the *dominus*, a ceremony first established by Diocletian,¹ and one from which not even the officers of the highest rank were excused. All this was Oriental, and the emperor himself, to all intents and purposes, had become an Oriental monarch; his clothing was now of silk and gold, no longer the military tunic which had become quite common; he now openly wore the royal diadem and the jewelled slippers.² Nor was adoration to the emperor the lowest form of degradation; for, not only was he thus adored, but even his statues,—a custom permitted, it must be added, under Christian emperors. Naturally, however, this latter part of the adoration was soon and necessarily done away with.³ Still, in common intercourse and speech, everything concerning the emperor,—his words, acts, edicts, palaces and property, everything became styled *sacer*, *sacratissimus* or *divinus*.⁴ The emperors, together with all the members of the reigning family, chose as their distinguishing title that of *nobilissimi*.⁵ The rest of the officers fell into three general classes,—the *illustres*, the *spectabiles* and the *clarissimi*, or, more correctly, *illustres et clarissimi*, *spectabiles et clarissimi*, and those who were simply *clarissimi*.⁶ Still lower were the *perfectissimi*, and lowest of all, the *egregii*.

¹ Ammian., XV, 5, 18. C. Th., VI, 8, 1. Aur. Vict. Caes., 39, 4.

² Schiller, II, pp. 31, 33, 34. Duruy, Vol. VII, p. 388.

³ Goth. ad. Th., XV, 4, 1.

⁴ CIL., VIII, 9041. Duruy, l. c.

⁵ Hodgkin, Italy, Vol. I, p. 208. C. Th., X, 25, 1; XIII, 1, 21. Zos., II, 39. CIL., IX, 6062, 6064; X, 6967, 6969, 6865, 6870, 6941, 6975, 4785, 4577, 7283; IX, 261, 6056, 6070, 6071, 2953, 5579; II, 1439, etc.

⁶ C. Th., XII, 1, 187. XVI, 5, 52.

These last two classes, however, were gradually dying out, and, for the most part, were to be met with only in the two capitals. All these positions were those to which was attached some real duty. But there was also a purely honorary title instituted by Constantine,—the patriciate. No one could even hope to receive this honor, which was held for life,¹ unless he had already held the office of *praefectus praetorio*, *praefectus urbis*, *magister militum*, or *consul ordinarius*,² and the holder of the honor took precedence of all persons except consuls in office. Under Justinian, the title was given, honorarily, also to women.³

4. The emperors gathered about themselves a group of advisers, forming the *consistorium*, entirely displacing the senate in importance, which, for all the influence it had in moulding or directing public affairs, might as well have disappeared as an institution; for, though presumably it had a voice in the choosing of emperors, these in reality rose to the purple mainly through nomination by the soldiers and officers.⁴ The Consistorium was originally the *auditorium* or *consilium principis*, changing in its character and name under Diocletian,⁵ and after Constantine regularly known as *consistorium principis* or *sacrum consistorium*. In the inscriptions, however, the name does not appear until 353 A. D.⁶ The Consistorium was composed of officers of the rank *spectabilis*, under Constantine known as *a consiliis sacris*, later as *consistoriani*, whether in *actu positi* or *ex officio* or *honorarii*. There also belonged to the Consistorium some *comites primi ordinis* (the *Vacantes* being excluded), who upon special invitation took part in the business of the Consistorium and attended its meetings. It is these to whom the appellation of *comites consistoriani* should be restricted, though the *quaestor sacri palatii*, *magister officiorum*,

¹ Var., VI, 2.

² C. J., XII, 3, 1, 3, 5.

³ Var., VI, 2. Zos., II, 40. C. Th., VI, 7, 1; VI, 9, 1. C. J., III, 24, 3. J. Nov., 62.

⁴ Ammian., XV, 8; XX, 4, 14–18; XXV, 5, 1–5; XXVI, 1, 2, 4; XXXII, 6; XXX, 10. Schiller, II, p. 26.

⁵ C. Th. XI, 39, 5. Goth. ad Th., VI, 12. C. J., IX, 47, 12. Cf. Rudorff, I, 131.

⁶ CIL., VI, 1739, 1740.

comes sacrarum largitionum and *comes rerum privatarum* were sometimes so called.¹ As a result of the different components, the titles of the members of the Consistorium vary greatly, such as: *comites consistoriani*,² *comites domestici*,³ *comes primi ordinis intra consistorium*,⁴ or *in consistorio*,⁵ *comes sacri consistorii*,⁶ *vir spectabilis comes sacri consistorii*,⁷ *vir clarissimus comes consistorii*,⁸ and *comes intra palatium*.⁹ The Consistorium met in the palace in a room called either *auditorium* or *consistorium*.¹⁰ It was at first presided over by the emperor;¹¹ in his absence, by the *quaestor sacri palatii*,¹² who, in giving his decisions, had to do so in writing.¹³ The proceedings were taken down by the *notarii et tribuni*, organized under a *primicerius* and *secundicerius*,¹⁴ who, in addition, also emitted the *codicilli* of appointment,¹⁵ and at times communicated to the senate the orders of the emperor.¹⁶ The *silentarii* were employed as its messengers.

5. The rank *illustris, illustris dignitas*,¹⁷ was the highest in the regular hierarchy of the later empire. It could, however, be held in various ways, proving that not all the *illustres* were considered officers of exactly the same rank. In fact, the ranking among them was as follows: First came the *illustres* who

¹ Var., VI, 12. B.-H., III, pp. 96, 97. Nuove Mem., 1865, pp. 328, 330, and tables in chapter 12.

² Ammian., XV, 5, 12; XXXI, 12, 10.

³ Dessau, 1238, 1244.

⁴ CIL., VI, 1739-1741, 1764, 1757; XIV, 2165. Dessau, 1237, 1243, 1255.

⁵ CIL., VI, 1742. O.-H., 3185.

⁶ CIL., VI, 1725. Dessau, 1284.

⁷ CIL., VI, 1724.

⁸ CIL., VI, 1729; X, 5061. O.-H., 6471. Dessau, 1254. De Rossi, 968.

⁹ CIL., VI, 1690, 1723, 1757. Dessau, 1225, 1232, 1240.

¹⁰ Dig., XXXVI, 1, 22. C. J., VII, 62, 37, 39; IX, 47, 12. C. Th., XI, 39, 5.

¹¹ C. J., I, 14, 1, 2. Var., VI, 4.

¹² C. Th., I, 8; XI, 39, 5.

¹³ J. Nov., 62.

¹⁴ Ammian., XXV, 8, 18. CIL., VI, 1786. C. Th., VI, 10, 2; VI, 35, 7. Var., VI, 16.

¹⁵ Claudianus, Epithal. dict. Palladio, line 85.

¹⁶ C. Th., VI, 2, 20. *Recitata . . . per . . . primicerium notariorum.*

¹⁷ C. J., XII, 1, 17. C. Th., VII, 8, 5.

were in actual service,—the *in actu positi*, taking precedence over one another according to the position held;¹ then followed the *honorati*, that is, the *ex officio* officers, among whom there was no precedence except that of seniority of appointment;² finally came the *vacantes* and *honorarii*; the former class was composed of men who, as a reward for services performed in an inferior position, received, upon their retirement from office, both the title of *illustris* and the right of wearing the *cingulum*, or *insignia* of that special office of this rank to which they had been promoted;³ while the latter class, the *honorarii*, being men altogether outside official circles, either through imperial favor or purchase received only the title of *illustris* without the right of wearing any of its *insignia*.⁴ Both the *vacantes* and the *honorarii* were subdivided into two classes,—the *praesentes in comitatu* (those fulfilling some function at the court), and the *absentes*, those serving the provinces. As between *vacantes* and *honorarii* the ranking was somewhat complicated: all the *vacantes* did not take precedence over all the *honorarii*, but those of the *vacantes* and of the *honorarii* who had attained to the same office, *e. g.*, *praefectus praetorio*, were grouped together. Within this group, however, the *vacantes* ranked above the *honorarii*. Again, within this smaller group of *vacantes*, there was a further subdivision,—the *praesentes* ranking above the *absentes*; and finally, between these *praesentes* seniority of appointment decided the precedence.⁵ Below these *praefecti praetorio vacantes* and *honorarii* were arranged, let us say, the *magistri officiorum vacantes* and *honorarii*, grouped on the same principles, and then the rest of the officers, running entirely through the system.⁶

6. The great mass of the second class, the *spectabiles*, consisted of *comites*, *vicarii* and *duces*.

¹ C. J., XII, 8, 2.

² C. J., XII, 8, 2, 1; XII, 4, 1, 2; XII, 3, 1, 1; XII, 5, 1. C. Th., VI, 7, 1; VI, 8, 1.

³ C. J., XII, 8, 2, 3; XII, 7, 2, 5. C. Th., VI, 22, 7. CIL., VI, 1790; VIII, 1412.

⁴ Borghesi, X, p. 771. J. Nov., 70.

⁵ C. J., XII, 8, 2, 2; XII, 3, 1, 1.

⁶ See table in chapter 12.

7. The *comites* were, originally, merely companions of the emperor on his travels.¹ Even in the times of Claudius, there existed a *consilium*, composed of *comites*. Marcus Aurelius gave to Lucius Verus a *comitiva* or group of war advisers, and established also a *consiliarius*, or legal adviser. Both these institutions soon disappeared, however, the *praefectus praetorio* being considered sufficient. Diocletian again established the *consiliarius*.² When Constantine gave new life to the system of *comites*, he undoubtedly considered them as both military and civil advisers. Between 312 and 314 A. D. (the end of the war with Licinius), we find *comes domini nostri Constantini Augusti*;³ between 315 and 317 A. D., when Constantine and Licinius reigned together, we find *comes Augustorum nostrorum*;⁴ between 317 and 324 A. D., during which time Constantine and Licinius made their sons *Caesares*, we find *comes dominorum nostrorum Augustorum et Caesarum*;⁵ and after the fall of Licinius in 324 A. D., *comes Flavialis*.⁶ That is to say, the *comites* belonged to the emperors and the ruling house as such, there being always added the name or names of the emperor or emperors, or some expression directly referring to them. But it was a very natural and easy step from this position to appointing them as judges and governors in place of the emperor, or to any other definite duties. And so we find them towards the year 327 A. D.,⁷ known as *comites vice sacra judicantes*⁸ (especially for the dioceses), which title continues till about 332 A. D.,⁹ and also as *comites quibus officium certum adscribitur*, and no longer bearing the name of the emperor attached. Later the *comites* begin to be given still more special duties, as, *comes et quaestor*,¹⁰ *comes et magister equi-*

¹ Lydus, II, 7.

² Seeck, Gesc., II, p. 73, seq.

³ Dessau, 1213, 1214, 1216. Wilm., 1223. CIL., VI, 1704. C. Th., X, 8, 2.

⁴ Dessau, 1217. CIL., X, 5061.

⁵ Dessau, 1223. CIL., X, 4752.

⁶ Dessau, 1224, 1224a. CIL., X, 1695.

⁷ Ruggiero, s. v. *comes*, says 317 A. D.

⁸ C. Th., XI, 3, 2; XII, 1, 15. Mommsen, Nuove Mem., pp. 302-305.

⁹ C. Th., XII, 1, 26; XIII, 5, 8. Ruggiero, l. c.

¹⁰ C. Th., I, 8, 1, 2.

tum,¹ and *comes et magister equitum et peditum*.² At the same time the *comites* begin to be divided into several classes because they were not all equally valuable to the emperor, or perhaps, not equally faithful; and although even before this time the *amici* of the emperor had been divided into three classes,³ it was only under Constantine that these classes became real and definite honors.⁴ And so there resulted *comites primi ordinis*,⁵ *comites secundi ordinis*,⁶ and *comites tertii ordinis*.⁷ In the inscriptions the grade is frequently omitted; but in those inscriptions that are written out in full, the grade is very rarely omitted. Any one of these grades, whether the first, second or third, might be held several times in succession or at intervals,⁸ and after holding the title of *comes* that of *ex comite* was used.⁹ Finally, there is to be remarked that each *ordo* of the *comites* was subdivided into the usual three classes of *in actu positi*, *vacantes* (*cum militiam expleverint*), and *honorarii*.

8. To the class *spectabilis* belonged also the *vicarii* of the various *illustres*, and those *vicarii* who, established by Diocletian and under the supervision of the *praefecti praetorio*, were the civil governors of the dioceses.¹⁰ Corresponding to these civil governors for each diocese were the *virī spectabiles comites rei militaris*, who supported and at times checked the powers of the *vicarii*. This general equality of their rank supports the theory that the original *comites vice sacra judicantes* held both civil and military power, and that when the divisions of powers took place (in 332 or 336 A. D.), those men who received the civil powers became known as *vicarii*, while those men who received the military powers became known as *comites*

¹ C. Th., VII, 1, 9; VIII, 1, 10.

² C. Th., VII, 1, 2.

³ Alex. Sev., 20. Suet. Tib., 46.

⁴ Nuove Mem., p. 308.

⁵ CIL., VI, 1690, 1691, 1717, 1721, 1725, 1727, 1739–1741, 1748.

⁶ CIL., VI, 1690, 1691, 1739–1742. Dessau, 1240, 1243.

⁷ CIL., VI, 1699. Dessau, 2946. Eph. Ep., I, 135. Schil., II, p. 55. O-H., 1187.

⁸ CIL., VI, 1690, 1691, 1739, 1741.

⁹ CIL., III, 1987; VI, 1765; VIII, 9255; X, 3365, 4755, 1680.

¹⁰ C. Th., VI, 26, 4; I, 15, 12. Seeck, II, 24, 25, 66. Nuove Mem., p. 316.

rei militaris. However, the latter seems to have been inferior to his civil colleague,—the *vicarius*, just as the *magister militum*, the supreme military power, surely was inferior to the *praefectus praetorio*,—the supreme civil power. Subordinate to the *comes rei militaris* was the *dux*,—more especially in command of the troops stationed on the various boundaries of the empire.¹

9. The third large class, the *clarissimi*, was composed mostly of senators, *consulares* and *correctores*,—governors of provinces. These had criminal and civil jurisdiction, general powers over the taxes,² and directed the works undertaken by the state in their provinces, especially the building and repairing of roads.³ And here again, though all these governors were *clarissimi*, still, from the order in which they are frequently named, it would result that the *consulares* were the highest, and that the *correctores* held a middle position between them and the *praesides*.⁴ In Italy the title *corrector* was applied at first to the governors of the whole of Italy,⁵ then to the governor of a special province, which was the case in the fourth century,⁶ after which time it gradually disappeared, being replaced by *consulares* or *praesides*, Lucania and Apulia being the last provinces to have *correctores*.⁷ All these smaller officers were, of course, subordinate to their respective *vicarii*.

10. By this constant subdivision of power and multiplying of officers, the later Roman emperors undoubtedly attained one of their objects, namely, removal of the royal person from the sight of the people, in the hope of gaining that respect which is always given to things unknown and mysterious. But by the same process they rendered it more and more difficult for themselves to find out the course of events and to feel the pulse of the people. Besides, when responsibility was not to be fixed

¹ C. Th., VIII, 7, 11; I, 18, 1. Cf. C. Th., VII, 1, 9.

² C. Th., VI, 35, 6; VIII, 3, 1; XVI, 2, 2.

³ CIL., X, 212, 3867. O.-H., 603, 1099, 3172.

⁴ C. Th., VIII, 4, 8; XVI, 10, 10. C. J., I, 49, 1. Jullian, Trans., p. 170.

⁵ CIL., VI, 1673; V, 8205, 2817.

⁶ CIL., VI, 1418, 1419, 1699, 1769, 1779, 1700; V, 2818; X, 4785, 6084. Jullian, pp. 166–172.

⁷ Var., III, 8; VIII, 46, 47. E. E., I, p. 138. Schil., II, pp. 56–58.

upon any one person, it became easier for all to shirk duty, and for bribery and corruption to work its way into an organization so exposed to attack. The government became a bureaucracy: the civil administration, finance and justice were in the hands of the *praefectus praetorio*, the *praefectus urbis*, the *quaestor sacri palatii*, the *magister officiorum*, and the *comes sacrarum largitionum*; the army, in the hands of the *magister militum*; the household, in the hands of the *praepositus sacri cubiculi*, the *comes rerum privatarum*, and the *comes domesticorum*. Theoretically, the emperor was all-powerful; in reality, he was a tool in the hands of the members of this hierarchy. Consequently the wonder is, not that the empire did fall, but that, in spite of the efforts of the barbarians to make a quick end of it, it should have continued as long as it did.

CHAPTER II.

THE PRAEFECTUS PRAETORIO.¹

1. The *praefectus praetorio* sprang from the *magister equitum* and was created in his place.² He seems to have been called *praefectus Caesaris* at Rome; but in the camps he was known as *praefectus praetorio*, mainly perhaps, to distinguish him from the *praefectus urbis*.³ When first established by Augustus, he was merely the commander of the praetorian troops at Rome,⁴ by whom the emperor was guarded. As such he could inflict disciplinary punishments, name his under-officers and so forth. At first there were two *praefecti praetorio* established by Augustus, at times there was only one, and in the latter part of the reign of Commodus even three.⁵ Two, however, was regarded as the normal number. It is in despoiling themselves of their military character and in acquiring a criminal and civil jurisdiction as broad as that of the emperor himself that the *praefectus praetorio* rose to the height of his power.⁶ He gradually emerged from the equestrian rank, for they were generally chosen from among the *equites*, in spite of the fact that care was taken not to choose a *praefectus* from the senatorial rank, to avoid ambitious projects which might enter the head of such a commander.⁷ He gradually became more and more of a judge and a sharer in civil affairs. Hadrian, in organizing his *consilium*, naturally gave the most important place in it to the *praefectus praetorio*, who was then the highest

¹ Var., VI, 3, *nunc Pater appellatur Imperii*. VIII, 20.

² Dig., I, 11, 1, 1. Lyd., de Mag., I, 14; II, 3, 6.

³ Lyd., II, 6.

⁴ Walter, I, par. 288. CIL., VI, 2375, 2403.

⁵ Marquardt, St., II, p. 460. Mommsen, St., II, p. 865. Cf. p. 831, 832. Madvig, I, ch. 6, par. 9. Bouche-Leclercq, p. 153.

⁶ Bouche-Leclercq, l. c. seq.

⁷ Bouche-Leclercq, l. c., Smith, dict. cl. ant.

military officer in the state.¹ These participations became so frequent under Alexander Severus and Gallienus (when the tendency to separate the civil and military powers was becoming more and more marked), that he was practically considered as a civil minister. When finally Constantine did away with the praetorian troops,² the dignity of the *praefectus praetorio* survived and the incumbent continued as the first civil servant of the emperor,³ entirely deprived of all participation in military affairs. With perfect justice it may be said that this complete change in the powers and very conception of the *praefectus praetorio*, with the necessarily consequent development of the *consilium* into the powerful *consistorium* and the complete separation of the civil and military powers, forms the most important reform of the era of Constantine.⁴

2. As a civil officer he was nominated for an indefinite time; but, on account of the troubled conditions of the times and his great powers, he rarely remained in office longer than one year.⁵ He was more than amply compensated for this loss; for each *praefectus praetorio* was supreme head in approximately one quarter of the Roman world. The number of *praefecti*, at first, was not constant, with the exception of the *praefectus per Gallias* and the *praefectus per Orientem*, who existed from the time of Constantine. Under Theodosius, in 395 A. D., there were four *praefecti*, two for the East and two for the West. So that at the time of the drawing up of the *Notitia Dignitatum* (the beginning of the fifth century), the *praefectus praetorio per Orientem* ruled over five dioceses consisting of forty-eight provinces; the *praefectus praetorio per Illyricum* over two dioceses consisting of eleven provinces; the *praefectus praetorio per Italiam*, over three dioceses consisting of thirty provinces; and the *praefectus praetorio per Gallias* over three dioceses consisting of twenty-nine provinces.⁶ The capitals of these *praefecti*

¹ Abbott, p. 331. Duruy, Vol. 7, p. 394.

² Zos., II, 17. Aur. Vict. Caes., 40, 25.

³ C. Th., I, 5. C. J., I, 26. Ammian., XVII, 3, 4; XXI, 16, 2.

⁴ Abbott, p. 331.

⁵ Hodg., Italy, I, p. 213. Schil., II, p. 54.

⁶ Not. Dign. Or., pp. 9, 12. Occ., pp. 8, 13. Hodg., Italy, I, p. 225. Bury's Gibbon, II, appendix 11. Schil., II, 44-50.

were just those cities which had been the capitals of the *Augusti* and the *Caesares*. Indeed, in the immense reach of their power and their almost imperial rule, one is reminded very forcibly of the *Caesares* established by Diocletian. The *praefectus* of the East had his seat, naturally enough, at the new capital or at Antiochia, from where he could keep under his eye the regions of the Euxine and the Tigris; the *praefectus* of Illyricum had his capital at Sirmium, the central point of defence for the valley of the Danube and formerly the capital of Galerius; the *praefectus* of Italy was stationed at Milan, over the Apennines but behind the Alps, the city which, for its strategic position with reference to the Germanic tribes, had previously been chosen by Maximian as his capital; and finally, the *praefectus Galliae* was stationed either at Treves or York, thus keeping watch over both Gaul and England.¹

3. The *praefectus praetorio* was a member of the senate, a privilege which he did not possess till the time of Alexander Severus (222–235 A. D.), when for the first time senators were regularly appointed to this office, in order that senators might not be judged by an officer who was not himself a senator. (If a knight was made *praefectus praetorio*, he became *ipso facto* a member of the senatorial order.) The *praefectus* alone had the unusual power of selling the property of a *curialis*, and yet he had to have special permission from the emperor.² The general tax (*indictio*) ordered by the emperor for the year, was proclaimed by each prefect for his own praefecture; through his officials he took part in the levy of the tax, had complete control of it, and had a special state-chest for the proceeds, *arca praefecturae praetorianae*.³ His duties were manifold. He judged everywhere as the representative of the emperor. On his entrance into the palace he was adored by the assembled throng.⁴ He promulgated the imperial laws, and issued edicts which, if not contrary to the existing laws nor later annulled

¹ Duruy, VII, p. 367. Abbott, p. 338. Schil., II, pp. 28, 30, 48.

² Var., VII, 47. Alex. Sev., 21.

³ C. Th., I, 5, 5–7; XI, 6, 1; XI, 28, 17. C. J., X, 7, 2. Lyd., II, 7; III, 41, 43. Var., II, 24; VI, 3.

⁴ Var., VI, 3, *frequenter adoratur, vice sacra ubique judicat*.

by a royal edict, had all the force of royal edicts.¹ But his chief employment was in relation to the governors and judges of the provinces. He proposed their names,² paid them their salaries,³ had a general care over them (inasmuch as they had to make to him a semi-yearly report of their doings),⁴ issued rescripts on the information furnished by them, and could, as their judge, inflict punishment upon them even if the offence had been committed against a military person, deposing them from their offices and temporarily nominating substitutes to act in their places.⁵ In addition to all this, he acquired the power of exiling also.⁶ The so-called *provoco ad Caesarem* did not go beyond the *praefectus praetorio*,⁷ and from his decision, which was given orally, there was, after the year 331 A. D.,⁸ no appeal, though there was always an appeal to the emperor from the other officers.⁹ However, by a law of the year 365 A. D.,¹⁰ one *supplicatio* and one only might be entertained by the emperor in reference to the sentence of a *praefectus praetorio*, this being the only method through which a hope for the reversion of the sentence might be realized. Still later Theodosius II. decided that this *supplicatio* had to be presented within two years following the retirement of the *praefectus praetorio* who had delivered the sentence, and that it had to be presented to the new *praefectus*.¹¹ And finally, under Justinian it was resolved that if the *praefectus praetorio* who had delivered the sentence, should, at the expiration of his term, become *praefectus* again, then the *quaestor sacri palatii* should judge the *supplicatio* together with him, and that after this combined decision

¹ C. Th., I, 15, 4; I, 16, 4. C. J., I, 26, 2. B.-H., III, p. 48.

² C. J., II, 7, 9; IX, 27, 6. Var., VI, 3. Abbott, p. 338.

³ C. J., I, 52, 1. Lyd., II, 7, 11.

⁴ C. Th., I, 16, 3.

⁵ C. Th., I, 7, 2; I, 5, 10. C. J., I, 26, 3, 4; I, 50, 2.

⁶ Dig., XXXII, 1, 4.

⁷ C. Th., I, 16, 1; II, 1, 6. C. J., III, 13, 4.

⁸ Abbott, l. c.

⁹ Dig., I, 11, 1, 1. Lyd., I, 14. Var., VI, 3. C. Th., XI, 30, 16. C. J., VII, 62, 19.

¹⁰ C. J., I, 19, 5.

¹¹ C. J., VII, 42. Nov. Th., 13.

absolutely no further action was possible.¹ In power no dignity was his equal;² for the consulate and the patriciate were higher in rank but not in power,³ and it was because of the extensive judicial powers attached to the office that the *praefectus* was no longer a soldier but a jurist, such as Ulpianus and Paulus.

4. The superintendence of the administration of the whole empire had already been exercised by the *praefectus praetorio* under the Severi, and his original duty of commanding the praetorian cohorts now became merely a medium to more power. As a mark of his military origin he still carried his sword; the chiefs of the army fell prostrate before him, and these he raised and kissed because he courted the favor of the army.⁴ Even the emperor is said to have gone to meet him on foot. No soldier endeavored to mark out to him the limits of his jurisdiction, except the *magister militum*.⁵ This power came to the latter from the order perfected by Constantine. According to the plan of government instituted by Diocletian in the year 292 A. D., the four princes had each a *praefectus praetorio*, and after the empire was once more united in the person of Constantine in the year 324 A. D., this emperor still continued to create the same number of *praefecti*, and entrusted to them the same regions which they had already administered,—the Orient, Italy, Illyricum and Gaul.⁶ After Constantine had thus divided the powers of the *praefecti*, he devised other means for diminishing their influence. He appointed officers called *magistri militum*, some over the cavalry and some over the infantry, to whom he gave authority to discipline the soldiers.⁷ That is to say, he gave the superior command of the military to the *magistri militum*, the command of the court to the *magister officiorum*, so that to the *praefectus praetorio* there was left the superior charge of the civil administration.

¹ C. J., VII, 62, 35.

² Var., VI, 3. Zos., II, 32. Lyd., II, 5.

³ Zos., II, 40. Lyd., II, 8.

⁴ Lyd., II, 9.

⁵ Var., VI, 3.

⁶ Lyd., II, 33, 35. Zos., II, 32. Marq. St., I, p. 81. Gib., II, p. 166.

⁷ Zos., II, 33.

5. The *praefectus* also had a general supervision of the corn supplies, and its distribution to the various divisions of the army in his praefecture.¹ In a general way, he had charge of the manufactures, coinage and roads. In respect to the last, he could, after the second century, grant the right of free conveyance by means of a *diploma*, or *synthema*.² This power of emitting *evectiones* was a very important one, for the governors of provinces, as well as the *magistri militum* and *praefecti urbis*, were forbidden to do so too extensively because of the great harm that would result to the state if the right were to spread too far.³ After some time it was deemed sufficient that the *cursus publicus* should be in charge of the *praefectus praetorio*, *magister officiorum* and the emperor.⁴ The matter finally became so stringent that any infringement was deemed a crime worthy of severe punishment.⁵ His insignia were a lofty chariot, a golden reed-case (*thecae* or *calamus*), a silver ink-stand (*atramentarius*), a silver bowl and a tripod of the same metal to receive the petitions. In addition he wore a woolen cloak differing from the emperor's in that it reached only to the knees and not to the feet.⁶

6. The *officium* of the *praefectus praetorio* was very large. The *princeps*, *cornicularius* and *adiutor* were the highest three, with duties that cannot be sharply separated and who, perhaps, distributed work to the rest of the employees;⁷ the *commentariensis* kept a record of all the criminal procedures engaged in by the *praefectus praetorio*;⁸ the *ab actis* did the same for the civil procedures; the *numerarii* counted those tax revenues which the *praefectus* received; the *subadiuvae* were assistants of the *adiutor* mentioned above; the *a cura epistolarum* managed the correspondence of the *praefectus*, especially in reference to

¹ C. Th., VII, 4, 35. C. J., XII, 38, 15. Var., I, 34, 35; II, 26, 30; III, 20, 27. Seeck, Gesc., II, pp. 65, 497.

² Var., VI, 3. Lyd., II, 10.

³ C. Th., VIII, 5, 5, 55, 56.

⁴ C. Th., VIII, 5, 9. Lyd., II, 10.

⁵ C. Th., VIII, 5, 14. C. J., XII, 51, 4.

⁶ Lyd., II, 13, 14.

⁷ Walter, par. 362. Schil., II, p. 114. Tableau, pp. 348, 350. Lyd., III, 4.

⁸ CIL., VI, 1564, 8400; VIII, 8328, 9368, 11341; X, 7585.

tax matters; the *regendarius* assisted in the affairs of the *cursus publicus* and transmitted the *diploma* of the *cursus publicus* to the governors of the provinces;¹ the *exceptores* were common clerks and shorthand writers, who took down under dictation messages for the troops; the *adiutores* were general assistants of the *exceptores*; and the *singularii* were mounted messengers.² Together, the members of this *officium* were called *praefectioniani*.³

7. To sum up, the *praefectus praetorio* was a dignity upon which all others waited like lackeys; one from which the food of the people was required; which received a great weight of judicial responsibility and under whose control almost all things fell.⁴

¹ Lyd., III, 4, 21.

² CIL., VI, 8398.

³ C. Th., XII, 10, 1. C. J., XII, 53, 2, 3. For *exceptores*, E. E., IV, p. 432.

⁴ Cassiodorus, *Introd. to Variae*.

CHAPTER III.

THE PRAEFECTUS URBIS.

1. In the very earliest period of Rome there arose the custom that some one should always be in actual charge of the city. So that, when the kings and consuls absented themselves from the city either for war or for the Latin feast on the Alban Mount, they had to delegate their powers to some one, and this person was called the *Praefectus urbis*.¹ Lydus applies the name to the chief of the Decemviri.² In both cases the name is referred to one who was the ruling power when the real ruler was absent. In kingly and republican times his powers were gradually absorbed by the *praetor urbanus*; but in imperial times the tables were reversed. The *praefectus urbis* was reëstablished by Augustus to provide for the safe government of the city during his absence. In the reign of Tiberius, as a result of his constant absence from Rome (during the last eleven years of his reign), the praefecture of the city was so often used that it took its place as a permanent institution.³ From the beginning of the empire he was a senator of consular rank,⁴ and his power continually increased, until Domitian began to overturn ancient institutions.⁵ The attempt to diminish the power of the *praefectus urbis* was soon abandoned, and his rank remained second to that of the *praefectus praetorio* and superior to all others.⁶

2. His real function was the maintenance of the tranquillity

¹ B.-H., I, p. 55. Walter, O., par. 142. B.-L., ch. 5, par. 3.

² Lyd., de Mag., I, 34. De Mens., I, 19.

³ B.-L., l. c. Greenidge, p. 407.

⁴ Abbott, p. 367.

⁵ Lyd., II, 19.

⁶ C. Th., I, 6, 7. Not. Dign. Occ., pp. 103, 104. Karlowa, p. 864. Walter, I, par. 377.

of the city,¹ and he was invested with all the powers requisite for this function, being in command of the *cohortes urbanae*.² This force was sufficient for the purpose, and formed part of the regular military organization, for the legionaries were regularly promoted to the *cohortes urbanae*, and from there to the *cohortes praetorianae*.³ From the very beginning he had the police and criminal administration of the capital; and in treating allied questions he obtained the greatest power in the state with the exception of that of the *praefectus praetorio* and the emperor.⁴ The following officers were under his control: the *praefectus annonae*, the *praefectus vigilum*, the *comes formarum*, the *comes riparum et alvei Tiberis*, the *comes portus*, the *magister census*, the *curator operum maximorum*, the *curator operum publicorum*, the *curator statuarum* and the *tribunus rerum nitentium*.⁵ Through these agents, therefore, he controlled the census, the markets and the granaries.⁶ In the words of Cassiodorus, he had to see that the fires kindled to heat the wholesome baths were not chilled by corruption; that the games, which are meant for the pleasure of the people, were not by partisanship made a cause for strife.⁷ In addition, he possessed power over all the corporations and guilds which carried on business in the city.⁸ Among his miscellaneous powers, was that of supervising the weights and measures⁹ (a power transferred to him from the *aediles* in 167 A. D.),¹⁰ and the sale of animals in general, the latter through the agency of the *praefectus annonae*.¹¹ The *praefectus urbis* was very closely connected with the *praefectus annonae*. The latter mounted in the same chariot with the *praefectus urbis*, and was displayed

¹ Symmachus, Ep. X, 83. C. Th., I, 6, 4.

² Willems, p. 488. CIL., VI, 2404, 2405, 3884, 3885.

³ CIL., II, 4461.

⁴ C. Th., I, 6, 7. C. J., I, 28, 3. Sym., X, 37, 43. Karl., p. 864.

⁵ Not. Dign., l. c. Manso, p. 365.

⁶ Dig., I, 12, 1, 11.

⁷ Var., VI, 4.

⁸ C. Th., I, 10, 4; XIV, 2, 1-4; XIV, 3, 2; XIV, 4, 2. C. J., I, 28, 4.

⁹ Ammian., XXVII, 9, 10; CIL., V, 8119 (1). O.-H., 4345.

¹⁰ Gatti, Ann. Ist., 1881, p. 181.

¹¹ CIL., VI, 1770, 1771. Dig., I, 12, 1, 11.

in close companionship with him at the games.¹ This close relationship must have been the cause of some trouble. For we read that lest the *praefectus urbis* should think that any of his powers were removed if the care of the *annona* were to be given wholly to the *praefectus annonae*, there was given to him the more general care of the corn supply, but not to such a degree that he should impede the *praefectus annonae* in any of his functions; each officer, in so far as came properly under his own sphere, should protect the corn supply, and the union should be of such a kind that the inferior rank should always acknowledge the rights of the superior, and that the superior should know from the very name what was due to the *praefectus annonae*.²

3. His mission of taking care of the public safety gave to the *praefectus urbis* the right of adopting any measures he might consider proper, thus enabling him to exercise a summary and energetic jurisdiction. This he exercised personally over criminal affairs, having obtained the power of sending to the mines,—a right enjoyed, besides himself, only by the *praefectus praetorio*.³ His special jurisdiction extended to the one-hundredth milestone from Rome.⁴ He received appeals from the other judges within the boundaries of his domain,—the *praetores urbani* and the *praetores peregrini*,⁵ a jurisdiction which commenced towards the end of the second century.⁶ By special charge of the emperor (*vice sacra judicans*, or *judez sacrarum cognitionum*),⁷ he received some appeals from the rest of Italy,—the *provinciae suburbanae*, which, however, he gradually delegated to subordinates.⁸ This power later spread to the

¹ Var., VI, 18.

² C. Th., I, 6, 5. C. J., I, 28, 1.

³ Dig., I, 12, 1, 1, 3, 4, 10, 12; XXXII, 13, 4; XLVIII, 192, 1. Tableau, p. 416.

⁴ Dig., I, 12, 1, 4. Var., VI, 4. B.-H., II, p. 66. Madwig, II, p. 88.

⁵ C. Th., III, 32, 2; XI, 30, 13, 18. C. J., VII, 62, 17. For the powers of the praetors at this time, see C. Th., III, 17, 3, 4. C. J., V, 35, 2. Sym., IV, 59.

⁶ Schil., II, p. 60.

⁷ CIL., VI, 1140, 1142, 1155, 1166–1168, 1170–1174.

⁸ Dig., I, 12, 3. C. Th., IX, 1, 13.

whole of Italy.¹ The same was the case with the *praefectus urbis* at Constantinople.² In this case appeals were received from Bithynia, Paphlagonia, Lydia, Hellespont, Europa, Rhodapa and Haemimontum, the last three being in the diocese Thraciae.³ Within the city, in addition to the *praetores* already mentioned, the *praefectus urbis Romae* received appeals from the *praefectus annonae* and the *praefectus vigilum* in all cases when these would have been compelled to pass any serious sentence, such as capital punishment,⁴ from the *rationalis summarum urbis Romae* and the *rationalis rerum privatarum per urbem Romam*,⁵ and, what seems strangest of all, even from the *vicarius praefecti praetorio in urbe Roma*.⁶ It is evident that within the city and in regards to city matters the *praefectus urbis* was the absolute head, gathering in his single person the judicial, military and administrative powers.⁷ His affairs became so numerous that he was given as an assistant (but only for the early part of the fourth century) a *vicarius praefecturae urbis*, of a rank equal to that of the *vicarii* of the *praefecti praetorio* of the same period.⁸ From the *praefectus urbis* the appeal went to the emperor.⁹

4. The chief duty of the *praefectus urbis* was the control of the senate which he convoked and over which he presided, casting his vote before the *consulares*.¹⁰ He was the organ through which the senate made known its wishes to the emperor and gave him its presents.¹¹ As the head of the senate he was expected to guard its honor; for he was sharply rebuked by the emperor for delaying to do justice when the honor of the senate

¹ C. Th., XI, 30, 37.

² Established under Constantius, 359 A. D. For the civil jurisdiction before this time, C. Th., VI, 4, 8, 9, 16.

³ C. J., VII, 62, 23. C. Th., I, 6, 1, 10.

⁴ C. J., I, 44. Will., p. 566. B.-L., p. 160.

⁵ C. Th., XI, 30, 49. Sym., X, 62.

⁶ Will., pp. 564, 609. CIL., VI, 1704.

⁷ C. Th., I, 6, 7; I, 28, 3.

⁸ Nuove Mem., pp. 308-311, 315.

⁹ C. Th., XI, 30, 8, 11, 23, 30, 44. Dig., IV, 4, 38. C. J., VII, 67, 2.

¹⁰ Var., I, 42; III, 11; VI, 4; IX, 7. Sym., X, 69; II, 57. Hodg., I, p. 214.

¹¹ C. Th., VII, 24. C. J., XII, 49; XII, 54. Sym., X, 26, 29, 35.

was concerned.¹ He also presented to the emperor a quarterly report concerning the condition of the property of the senators,² and a monthly report of the transactions of the senate, and of the newly elected or discharged officers.³ Senators pleaded their causes at his tribunal, a right participated in by the *praefectus praetorio* and the *magister officiorum*.⁴ In case of an insult which required correction, the senators were to bring their cases to the *praefectus urbis*, which procedure was considered far better than allowing them to take the law into their own hands. For, the senators, proud and haughty, were too severe in marking every idle word which the mob uttered in the midst of general rejoicing; and especially in the Circus it was a very common thing to offer insults, often provoking the senators to commit some crime.⁵ In judging these senators, there was associated with the *praefectus urbis* a board of five men, so that he could not judge their misdeeds without five men chosen by lot from that very body.⁶ Special emphasis was laid on the fact that they were to be chosen by lot, the reason given being that men should not decide concerning the guilt or innocence of any one when they themselves were chosen by the judgment of a single man. The *praefectus* was also charged with the freeing of persons arrested and detained without any crime having been proved against them;⁷ with the hearing of the complaints of slaves against their masters,⁸ and of freedmen against their patrons;⁹ and also of any serious offences that might have been perpetrated by the guardians of minors, or the violation by a son of his *pietas* towards his parents.¹⁰

5. The insignia of his power were twelve fasces; and while the other officers wore the military dress and the *cingulum*, the

¹ Var., IV, 29.

² Schil., II, p. 39. Sym., X, 50, 66, 67.

³ Karl., p. 866. Sym., X, 44.

⁴ C. Th., II, 1, 4, 12. C. J., III, 24, 2.

⁵ Var., I, 30, 31, 32.

⁶ Var., IV, 22, 23. C. Th., IX, 1, 13; II, 1, 12.

⁷ Var., IX, 17.

⁸ Dig., I, 12, 1, 8.

⁹ Dig., I, 12, 1, 10.

¹⁰ Dig., I, 12, 1, 5-14; XXXVII, 15, 1, 2.

praefectus urbis, as a sign of his power over the senate, wore the toga.¹ He also had the right of using the *carpentum* within the city, a privilege enjoyed only by himself and the *praefectus praetorio*.² His *officium* was made up of the following *urbani-ciani*:³ *princeps*, *cornicularius*, *adiutor*, *commentariensis*,⁴ the *ab actis*, *numerarius*,⁵ *subadiuvae*, *cura epistolarum*, *regendarius*, *exceptores*, *adiutores*, *censuales*, *nomenclatores* and *singularii*, of whom the same might be said as of those of the *praefectus praetorio*.⁶

¹ Lyd., de Mag., I, 34. Var., VI, 4.

² Hodg., Italy, I, p. 214; cf. C. Th., XIV, 12. C. J., XI, 20.

³ C. Th., XI, 14, 1.

⁴ CIL., VI, 8402.

⁵ CIL., VI, 8405, cf. 8404, 8406.

⁶ Also *Tabularius*, CIL., VI, 8403. *Cancellarius*, CIL., VI, 1770; X, 317. Var., XI, 6.

CHAPTER IV.

THE SUBORDINATES OF THE PRAEFECTUS URBIS.

THE PRAEFECTUS ANNONAE.

1. In the earliest times, as a result of a famine, there were appointed officials with the title of *praefectus annonae*, whose duty it was to provide for all necessities. This duty, later, regularly devolved upon the *aediles*; and, because of their inability fully to cope with the needs, there were constantly appointed special *curatores*, even such men as Gracchus and Pompey holding the position, the latter for five years. Caesar thought to relieve the pressure by appointing in 44 B. C. two more *aediles*, calling them *aediles plebis ceriales*. All this, however, was in vain,—insufficient management was still the rule. So in 732 A. U. C., after another season of scarcity, the *cura annonae* was entrusted to Augustus himself. For a while this emperor abstained from the actual management of the *annona*, and allowed himself to be represented by two praetors, under the title of *praefecti frumenti dandi*, whose number, in 736, he increased to four. In 759, he entirely removed the *aediles ceriales* by appointing in their place *curatores frumenti dandi*, men of consular rank, and by giving to these the same power previously exercised by the *aediles*. This double management of the *annona*,—by the *praefecti frumenti dandi* and the *curatores frumenti dandi*, both of senatorial rank, did not long continue; for, between 8 and 14 A. D., Augustus removed both from power and united all their functions in the hands of one man of the equestrian order appointed for an indefinite time,—the *praefectus annonae*.¹

2. Even after the establishment of the *praefectus annonae*, there are cases of *praefecti frumenti dandi*, in the reign of

¹ Hirschfeld, *Unter.*, pp. 149–161. Ruggiero, *Diz. Epig. s. v. annona* Rushforth, p. 31.

Tiberius,¹ of Antoninus Pius,² of Marcus Aurelius,³ of Commodus,⁴ and of Alexander Severus.⁵ This was the continuation under extraordinary circumstances of the ordinary magistracy which Augustus had made use of before the creation of the *praefectus annonae*. The name of this officer remains simply *praefectus annonae* up to the time of Constantine,⁶ after which time various additions are made to this form. The title is now to be met with as *praefectus annonae urbis*,⁷ or *urbis Romae*,⁸ or *cum iure gladii*,⁹ or *praefectus annonae urbis cum iure gladii*,¹⁰ or *urbis sacrae cum*, etc.,¹¹ and *annonaria potestas urbis aeternae*.¹² Under Constantine the *praefectus annonae* was still *perfectissimus*,¹³ later becoming a *clarissimus*,¹⁴ and finally a *spectabilis*.¹⁵

3. The duties of the *praefectus annonae* might generally be stated as consisting in attending to the provisions of the capital, which provisions came from the provinces. Rome drew upon Africa for its supplies,¹⁶ Constantinople upon Egypt. To facilitate the sending of the supplies, there were *horrea* in all the provinces in which to store the grain before shipment,¹⁷ and a *praefectus annonae* at Carthage (under the *praefectus praetorio Italiae*),¹⁸ and another one at Alexandria,¹⁹ while at

¹ CIL., VI, 1364; IX, 3306; X, 5182; XIV, 3598. O.-H., 5368, 3109, 3128, 3141.

² CIL., XI, 1183. O.-H., 77.

³ CIL., VIII, 5354.

⁴ CIL., VI, 1502. O.-H., 6492.

⁵ CIL., XI, 3367. O.-H., 6048.

⁶ CIL., II, 1180, 1970; V, 867, 875; VI, 1022, 1599, 1698, 1603, 1796, 31.

⁷ CIL., VI, 1704.

⁸ CIL., VI, 1698; XIV, 137, 139, 140, 157.

⁹ CIL., VI, 1151.

¹⁰ CIL., VIII, 5348.

¹¹ CIL., X, 1700.

¹² CIL., VI, 1759.

¹³ CIL., XIV, 131. Dessau, 687.

¹⁴ CIL., VI, 1151. Dessau, 707. De Rossi, Ann. Ist., 1885, p. 223.

¹⁵ C. Th., XII, 6, 24.

¹⁶ Ammian., XXVIII, 1, 17. C. Th., XIII, 5; XIV, 16, 1.

¹⁷ Bull. Com., 1881, p. 52. Bull. Ist., 1868, pp. 235-237. Bull. Ep. de la Gaule, 1881, pp. 167, 168. CIL., VIII, 7975, 7960, 8836, 8480; III, 4180. E. E., V, 907.

¹⁸ C. Th., XI, 1, 13; XI, 7, 8; XI, 30, 4; XIII, 9, 2; XIV, 25.

¹⁹ C. Th., XII, 6, 3; XIII, 5, 12; XIII, 9; XIV, 26.

Constantinople itself there was no *praefectus annonae*, the *praefectus urbis* attending to the matter personally.¹ The transporting of these supplies from the provinces to the capitals was done by the *corpus naviculariorum*.² The *praefectus* had to see that no contraband trade in the *annona* existed.³ All provincials were expected to contribute, and special permissions to the contrary were annulled as being against the public utility.⁴ When the ships came into the harbor, the *praefectus* had to question the *nautici* as to the quantity and quality of the grain they brought, and then make an examination of the cargo.⁵ The corn was then measured by the *mensores* and stored in the *horrea*, from where no one could take it on the penalty of deportation and confiscation.⁶ From Ostia the *annona* was carried up to Rome by the *nautae Tiberini*,⁷ *codicarii navicularii*,⁸ or *caudicarii*,⁹ and in case of need all the river-boats could be pressed into the service.¹⁰ At Rome, the grain was unloaded by *liberti*, the *catabolenses*.¹¹ Whenever the *praefectus urbis* reached a city, he (and therefore the *praefectus annonae*, his special representative in this matter) at once visited the granaries to see whether or not the roofs were leaky; for, if the corn was spoiled because of this, he himself had to sustain the loss.¹² If, however, the corn had been ruined by other causes

¹ Lyd., III, 38.

² C. Th., XIII, 5, 6, 8, 21, 26, 32-34. C. J., XI, 1. CIL., VI, 1740.

³ C. J., IV, 40, 3.

⁴ C. Th., XIV, 15, 3. C. J., XI, 22 (23), 2.

⁵ C. Th., I, 6, 5, 7; XI, 14, 1; XIV, 15, 2. C. J., XI, 22, 1.

⁶ C. Th., XIV, 15, 1; XIV, 4, 9; XIV, 23, 1. C. J., X, 26, 3.

⁷ C. Th., XIV, 3, 2; XIV, 21. C. J., XI, 26. At Ostia there were a *tabularius* (CIL., VI, 8450), a *procurator* (CIL., XIV, 160, 161, 2045), a *procurator portus* (CIL., XIV, 125, 163; VI, 1020, 1624), a *centurio* (CIL., XIV, 125), *praepositus* (CIL., XIV, 2045), *dispensator* (CIL., X, 1562), and *cornicularius* (CIL., XIV, 160).

⁸ CIL., XIV, 170, 185.

⁹ CIL., VI, 1759. Bull. Com., 1892, p. 74. The *caudicarii* had a separate organization, having in their *corpus* (CIL., XI, 2643; XIV, 309, 4144. C. Th., XIV, 3, 2), a *curator* (CIL., XIV, 309), a *quinquennalis* (CIL., XIV, 4144), a *patronus defensor* (CIL., VI, 1649), and *honorati* (CIL., XIV, 3009). They were closely connected with the *corpus* of the *mensores* (CIL., VI, 9626, 1759) together with whom they had charge of the magazines (C. Th., XI, 14, 1. Duruy, Vol. 8, p. 24).

¹⁰ C. Th., XIII, 7, 2; XIV, 21.

¹¹ C. Th., XIV, 3, 9, 10. CIL., VIII, 1071.

¹² C. J., X, 26, 2.

not under the control of the *praefectus*, he was allowed to mix the spoiled corn with the good, that there might be no loss to the *arca frumentaria* of the *statio annonae*.¹ Finally, in the daily distribution of the bread, the *praefectus* had to consider only the personal merit of the receiver,² and under no consideration was the actual corn from the magazines to be given in place of bread, lest it might be put to other uses.³ This custom was introduced some time before the reign of Aurelian.⁴

4. Part of the *canon frumentarius* was sold at reduced prices to the *mancipes*, or corporation of public bakers who put their bread on sale at the very cheapest price, the so-called *panis Ostiensis*,⁵ another part was given to the corporation of *pistores*, who made the bread for distribution.⁶ The *praefectus* looked after the fineness of the bread and its weight very scrupulously.⁷ The distribution, however, was not made by the *pistores* themselves; these, when they were through with the baking, had to deliver the loaves at certain depots from which alone the daily distribution could be made, and only to those persons who, according to the lists made by their *vicomagister* or *curator tribuum*, presented the proper *tesserae*.⁸ The depots were elevated several steps above the ground, and therefore the name attached to these loaves came to be *panis gradilis*.⁹ There was also distribution of oil¹⁰ (most of which came from Africa), and of meat.¹¹ In all matters pertaining to the *annona*, the *praefectus* exercised both civil¹² and criminal jurisdiction.¹³ Consequently, various corporations fell under his power: the *pistores*, the *catabolenses*,¹⁴ the *suarii*, the *pecuarii*,

¹ C. J., X, 26, 1. C. Th., XI, 14, 1; XVI, 16, 1. CIL., VI, 9626. O.-H., 4420.

² C. J., XI, 24, 1. C. Th., XIV, 17.

³ C. J., XI, 23.

⁴ C. Th., XIV, 16, 2. Hist. Aug., Aur., 35, 47. Zos, I, 61.

⁵ C. Th., XIV, 15, 1; XIV, 19, 1. CIL., VI, 1742.

⁶ C. Th., XIV, 16, 2; XIV, 17, 14; XIV, 3. C. J., XI, 15. Lyd., III, 7. Bull. Com., 1884, p. 228. Ann. Ist., 1885, p. 225. CIL., VI, 1002.

⁷ Var., VI, 18.

⁸ CIL., VI, 2219, 2229. O.-H., 3358. Goth. ad C. Th., XIV., 17, 2.

⁹ C. Th., XIV, 17, 2, 3.

¹⁰ C. Th., XIV, 24; XII, 11, 2. CIL., VI, 1620, 1625b. Sym., X, 55.

¹¹ Hist. Aug., Sept. Sev., 23. Alex. Sev., 22, 26. Aur., 35, 47, 48.

¹² C. Th., VI, 30, 4; II, 17, 1, 2.

¹³ C. Th., XIII, 5, 38; XIV, 4, 9; IX, 40, 6. C. J., IX, 47. Dig., XIV, 1, 1, 18; XLVIII, 2, 13.

¹⁴ Var., III, 10. CIL., VIII, 2403, in lat. sin., lines, 33, 34.

the *navicularii*,¹ etc. He could not pronounce sentences of capital punishment upon any one of these; for, in all such cases, he had to refer the question to the *praefectus urbis*.²

5. The *suarii*,³ an organization which carried on business at the Forum Suarii,⁴ prepared for sale the pork meat furnished by certain provinces of Italy as a sort of natural tax upon them, the so-called *canon suarius*.⁵ They, united with the *pecuarii* and *boarii*,⁶ were organized under three *principales*, who, in turn, were under a *tribunus fori suarii*,⁷ or, *tribunus et patronus*.⁸ This one had very great influence, being at the same time (according to Schiller),⁹ tribune of the *cohortes urbanae*. The *negotiantes* of the various guilds just mentioned were those men from among whom the *patroni* of the guilds were chosen.¹⁰

6. Wine, or *canon vinarius*,¹¹ was also demanded from certain *regiones suburbicae*, but was not distributed.¹² It was sold at a fixed price by *mercatores* and *susceptores vinarii*, the proceeds going to the *arca vinaria*, or *ratio vinorum*,¹³ from which the *suarii* received a remuneration.¹⁴ In addition to the wine destined for the people, there was also that intended for the emperor's use.¹⁵ The *vinarii* also were organized into a corporation,¹⁶ under a *rationalis* or *adiutor a vinis*,¹⁷ and *tribunus vinorum*.¹⁸ They seemed to have had also a *curator* and

¹ CIL., VIII, 969, 970. For *fiscus annonarius*, CIL., VI, 8474-8477.

² Dig., I, 15, 3, 1; I, 15, 4.

³ CIL., VI, 1771. Dig., I, 12, 1, 11.

⁴ CIL., VI, 9631.

⁵ C. Th., XIV, 4, 2, 3, 6. C. J., XI, 17 (16), 1, 2. Var., VI, 18. Sym., X, 34.

⁶ CIL., VI, 1770. Nov. Val., III. Tit., XXXV, 2, 8.

⁷ CIL., VI, 1156. Des., 722.

⁸ CIL., VI, 1771.

⁹ Schil., II, p. 62.

¹⁰ CIL., VI, 1035. C. Th., XIV., 3, 7, 8.

¹¹ CIL., VI, 1771, 1784, 1785.

¹² C. Th., XI, 2, 1, 2, 3.

¹³ CIL., VI, 8498.

¹⁴ C. Th., XIV, 4, 4.

¹⁵ C. Th., XI, 1, 6. Not. Dign. Occ., p. 195.

¹⁶ CIL., XIV, 318. O.-H., 3921.

¹⁷ CIL., VI, 9091, 9092.

¹⁸ Sym., IX, 131; X, 54.

a *procurator*.¹ The *negotiantes* of this body² were similar to those of the *suarii*.

THE PRAEFECTUS VIGILUM.

7. Before the time of Augustus, what might have been called a fire department was under the charge of the *triumviri nocturni*, at times under that of the tribunes, or of the *aediles*, or of the *triumviri capitales*. The whole service was very irregular; for the department was composed of public servants stationed at the gates and walls of the city. Safety from fire depended upon the efforts of individuals, and as a result, private corporations and *collegia* were formed to avoid the dangers of fire.³ After a severe fire in 6 A. D., the *praefectus vigilum* was established by Augustus together with the *cohortes vigilum*, a night watch to prevent fires and robberies.⁴ The cohorts were recruited from among public slaves and *liberti* freed for the purpose.⁵ Though Augustus had intended soon to disband the corps, after having proved its usefulness he determined to make it a permanent institution.⁶ After six years' service (later after only three), the *vigiles*, if Latins, became citizens.⁷ These cohorts became part of the regular military organization of the empire, though of course, considering their composition, the lowest part. To show their somewhat uncertain military character, they carried, not the regular *signa*, but the *rexilla*.⁸ The manner of promotion for the centurions of the *vigiles* was regularly to the *cohortes statorum*, then to the *urbanae*, and finally to the *praetorianae*;⁹ sometimes directly to the *urbanae*, skipping the *cohortes statorum*.¹⁰

¹ CIL., VI, 8498. O.-H., 6344.

² CIL., VI, 8826, 9627; X, 543; XIV, 409. O.-H., 4087. Wilm., 2230, 2506.

³ Atti dell'Accad. Romana, Tomo I, pt. 2, 1823, pp. 1-21. Lanc., Anc. Rome, p. 221. Ann. Ist., 1874, p. 112. Dig., I, 15, 1.

⁴ Suet., Aug., 30. Walter, par. 392. B.-L., p. 321. CIL., VI, 1056-1059, 2959-3091, 2046, 2407.

⁵ Suet., Aug., 25.

⁶ Henzen, Ann. Ist., I. c., p. 113.

⁷ Lanc., I. c., p. 224.

⁸ E. E., IV, p. 370.

⁹ CIL., VI, 2794; XI, 395, 2112. Bull. Com., 1901, p. 288.

¹⁰ CIL., VI, 2755, 2899; X, 5064; cf. Bull. Com., 1899, pp. 42-50.

8. There were in all seven *cohortes vigilum* distributed in *stationes* among the fourteen regions of Rome, in such a way that each had to guard two regions. They were distributed, probably, in the very places where the *familia publica* had previously been stationed.¹ The first cohort guarded the seventh and the ninth regions; the second, guarded the fifth and the third; the third, guarded the sixth and the fourth; the fourth, guarded the twelfth and the eleventh; the fifth, the first and the second; the sixth, the eighth and the tenth; the seventh, the thirteenth and the fourteenth.² Each cohort, therefore, guarded two adjacent regions. It had its own barracks in each region it had to defend, making in all fourteen *excubitoria*. The cohort consisted of from 1000 to 1200 men, divided into seven centuries each under the command of centurions.³ The cohort was under the command of *tribuni*,⁴ and over all the *vigiles* (from 7200 to 7500 in number),⁵ was the *praefectus vigilum*. This officer was at first of the equestrian order,⁶ then he became a *clarissimus*,⁷ and finally a *spectabilis*.⁸ As an assistant he had, as early as the reign of Trajan, a *subpraefectus vigilum*, an *egregius*.⁹

9. In the nature of the case, the *praefectus vigilum* had charge of the prisons, magazines and baths. He punished all those who neglected proper care of their fires at night, and warned every one to keep water on hand in case of necessity. The *vigiles* themselves were compelled to patrol the streets, armed with pickaxes and carrying water buckets, and were nicknamed *spar-teoli*.¹⁰ He punished also all robbers who broke into the homes

¹ Ann. Ist., 1874, p. 115.

² Ann. Ist., l. c., p. 118, 1858, pp. 265-297. Bull. Com., 1873, pp. 249-252. Middleton, II, pp. 256, 257. Dig., I, 15, 3.

³ CIL., VI, 1056-1059. Jordan, II, pp. 70, 72.

⁴ CIL., VI, 1599. O.-H., 3574. Dig., I, 15, 3.

⁵ Lanc., Anc. Rome, pp. 206, 229. Ruins, p. 338.

⁶ CIL., VI, 1180, 1181. Wilm., 100, 1639.

⁷ CIL., VI, 1144, 1157. Dessau, 700.

⁸ Dig., I, 15, 3; cf. J. Nov., XIII, ch. 6, par. 1.

⁹ CIL., VI, 414, 1226, 1621; V, 8660. O.-H., 3436, 6519. Wilm., 91, 1291; cf. *Adiutor vigilum*, CIL., VI, 220.

¹⁰ Dig., I, 15, 3, 4. Middleton, II, pp. 255, 256. Herschel, Front., p. 160.

of private persons or into the granaries,¹ and the *capsarii*, those slaves who took care of the clothing and lockers in the baths.² In connection with his duties as chief of police, he had control of the *carcerarii* and the *questionarii*,³ of the *horrearii*, and of those who kept taverns, cook shops, etc., duties which had formerly been performed by the *aediles*.⁴ In connection with his duties as chief of the fire department, he controlled the *aquarii* and the *siponarii*, those in charge of the fire apparatus of the times.⁵

10. The *praefectus vigilum* had control of the *sebaciarii* also. According to some the *miles sebaciarius* was he who prepared and made the lights for illuminating the *stationes* and *excubitoria* of the *vigiles*,⁶ according to others, he was the soldier who carried the torch on the night rounds, and the members of the platoon which he preceeded;⁷ finally, he was the one who lighted the torches in the streets of Rome. The inscriptions of the *sebaciarii* begin to date from 215 A. D., showing that the office was then a new one, a view supported by the fact that it is not mentioned in the *vigilum latercula* which were written in 210 A. D. This was in the time of Caracalla;⁸ and the reason for the institution of the *sebaciarii* is to be found in the increased social life of the city during the night, extending, under Alexander Severus,⁹ as far as keeping the baths open at night,—a thing impossible under the early empire and late republic. This increased social life was bound soon to stop, and did stop under Tacitus, who caused the *thermae* to be closed at night.¹⁰ In fact, even before that time, in 245 A. D., the inscriptions of the *sebaciarii* end, showing that the novelty of the service

¹ Dig., I, 15, 3, 2.

² Dig., I, 15, 3, 5. CIL., VI, 9232; VIII, 2553. O.-H., 5092, 7222. Wilm., 165. Lane., Anc. Rome, p. 223.

³ CIL., VI, 1057 (7), line 4.

⁴ Suet., Tib., 34. Claud., 38. Tac., Arr., II, 85. Walter, par. 392. CIL., VI, 235. Wilm., 1499 (78).

⁵ Walter, par. 378. Wilm., 1499, 381.

⁶ CIL., VI, 2998-3091. Mitth., 1874, pp. 120-124. Bull. Com., 1886, pp. 252-260.

⁷ Bull. Com., l. c., p. 253.

⁸ Ann. Ist., 1858, pp. 265-297.

⁹ Hist. Aug., Alex. Sev., 24.

¹⁰ Hist. Aug., Tac., 10.

had then already worn off, although previously it had caused them to inscribe their names on the walls of their *excubitoria*.

11. Over all these the *praefectus vigilum* exercised jurisdiction; but in all cases requiring the sentence of the capital punishment the trial went to the *praefectus urbis*,¹ because the former did not have the *ius necis*.² Later he had jurisdiction over all that concerned the conduct of the people, and in fact because the *praefectus vigilum* had frequently been bribed, his powers were later given to a *praetor populi*.³ He had to see to it that the sanctity of the city was not violated by burials within the city;⁴ that heretics were expelled beyond the city walls;⁵ that teachers did not teach youths on the streets;⁶ that land owners were not defrauded;⁷ and that the proper order of the *dignitates* was kept.⁸ In all these cases he acted merely as the chief of police. Finally, the *praefectus vigilum* was the general judge of the *egregii*.⁹

THE COMES FORMARUM.¹⁰

12. The care of the water supply of Rome during the republic belonged to the censors, as part of the general *publicorum ius privatorumque locorum*, for the period of three years.¹¹ The first man who could properly be called a water commissioner was Marcus Agrippa, commissioner, however, of works which he himself had called into existence.¹² Agrippa held this office from 34 B. C. till his death. In 13 B. C. Augustus had already been charged with the *cura aquarum*, in addition to all the other honors and duties heaped upon him.¹³ On the death

¹ C. J., I, 43, 1. Dig., I, 15, 3, 1.

² Atti dell'Accad., p. 15, l. c.

³ J. Nov., XIII, ch. 1, par. 1.

⁴ C. Th., IX, 17, 6.

⁵ C. J., I, 1, 2, 2.

⁶ C. Th., XIV, 9, 2, 3. C. J., XI, 18; cf. C. Th., VI, 21, 1. C. J., XII, 15, 1.

⁷ J. Nov., LXIV, ch. 1.

⁸ C. Th., VI, 5, 1. C. J., XII, 8, 1, 2.

⁹ B.-L., p. 153.

¹⁰ "Supra formas" is also found (CIL., VI, 8497), *forma* meaning, originally, the conduit of the aqueduct (CIL., X, 4860), and so, later, the aqueduct itself.

¹¹ Hirsch., Unter., p. 162. Lane., Front., p. 308.

¹² Front., par. 98.

¹³ Cantarelli, Bull. Com., 1901, p. 180.

of Agrippa, however (who had really been discharging this function), Augustus delegated the care, repairing and administration of the aqueducts and the water supply in general to a special college composed of three men, to be known as *curatores aquarum*, and to be appointed by himself with the consent of the senate.¹ The presidency of the board was placed in the hands of one chosen from the *principes civitatis*,² that is to say, a senator of consular rank, while his subordinates were of a lower senatorial grade, also called *curatores aquarum*.³ This title was often abused by them, and at times appeared in the inscriptions.⁴ As a rule, however, the title *curator* refers to the president of the board. That these *curatores* were appointed for irregular and indefinite periods, is proved by reference to Frontinus. Perhaps the appointment to this position was for life.⁵

13. During the reign of Claudius, and precisely after 52 A. D., there arose, in connection with the building of the Claudian aqueduct, a *procurator aquarum*.⁶ At first, this *procurator* was an imperial *libertus*,⁷ afterwards, under Hadrian and Antoninus Pius, a man of the equestrian order;⁸ under Elagabalus he was called *procurator aquarum centonarius*,⁹ under Diocletian he was a *vir egregius*,¹⁰ and finally, under Constantine, a *clarissimus*.¹¹

14. The title of *curator aquarum* remains official for some time after Claudius.¹² Under Septimus Severus, the charge of the *porticus Minuciae* (which had been taken away from the

¹ Front., 99, 104. Suet., Aug., 37.

² Front., I.

³ Front., 99. Lanc., Front., p. 319. Hirsch., Unter., p. 163. CIL., VI, 1248.

⁴ Bull. Ist., 1869, p. 213.

⁵ Lanc., Front., p. 311. Front., par. 102.

⁶ Front., 105. Lanc., Front., p. 319. Hirsch., Unter., p. 163.

⁷ CIL., XI, 3162. O.-H., 6337. Wilm., 1243.

⁸ CIL., VI, 1418; X, 6569; cf. XIV, 2304-2305.

⁹ O.-H., 946. Wilm., 1208.

¹⁰ De Rossi, Bull. Com., 1872, p. 135.

¹¹ Lanc., Front., p. 322; cf. Hirsch., Unter., p. 173.

¹² CIL., XI, 571; IX, 2456. O.-H., 5472.

praefectus annonae and had been given to a special *praefectus*),¹ was transferred to the *curator aquarum*, who, in consequence of this addition of power, now became known as *curator aquarum et Minucia*.² This title was still official under Diocletian and his Caesars.³ Under Constantine the title is still found, the officer himself being a *clarissimus*.⁴ The official title for the first time becomes *vir clarissimus consularis aquarum* in inscriptions dating after 328 A. D.⁵ This title continues unchanged for some time,⁶ until, in the end of the fourth century, it is changed once more, this time to *vir clarissimus et spectabilis comes formarum*.⁷ At this same time, the administration of the aqueducts was separated from that of the waters; the care of the former was entrusted to the *comes formarum* (which fact serves to explain his title), while the care of the latter was given to another officer called *consularis aquarum*, and both were made dependent upon the authority of the *praefectus urbis*. From this time on the title of *comes formarum* remains constant. But a new title, *vir clarissimus tribunus aquarum* occurs on a *fistula* of the fifth or sixth century, a date derived from the use of the name Johannes, which only then became common. Very probably, this officer is now the representative of the ancient *procurator aquarum*, an hypothesis supported by the similar development of the *procurator voluptatum* into a *tribunus voluptatum*, and by the fact that at all times it was the procurator's name that appeared on *fistulae plumbeae*.⁸

15. Although, to supply its many baths, an enormous quantity of water entered the city through its numerous aqueducts,

¹ Bull. Com., 1901, p. 180. CIL., XI, 4182; X, 3723. Revue Arch., 1889, I, p. 426, 92.

² CIL., V, 7783; XV, 7330; XIV, 3900, 3902; VI, 1532. Dessau, 1182, 1186. Wilm., 1217, 1218, 1220.

³ CIL., VI, 1673, 1418, 31378. Dessau, 1211. Wilm., 1225a.

⁴ Vaglieri, Bull. Com., 1900, p. 71.

⁵ CIL., X, 1695, 1696, 4752. E. E., VIII, p. 97, 365. Notizie, 1885, p. 393. Bull. Com., 1900, p. 71.

⁶ CIL., VI, 515, 3866, 3865. C. Th., XV, 2, 1. C. J., XI, 42, 1. In C. Th., VIII, 7, 1, appears *consularis*, etc., in a law of 315 A. D. Evidently the writer has, by mistake, referred to that year a title which was current in his own days. Notizie, 1901, p. 129. Huelsen, Beiträge, p. 271, 53.

⁷ CIL., VI, 1765. Lanc., Front., p. 177. Var., VII, 6, 15.

⁸ Bull. Com., 1872-1873, pp. 131-135. Bull. Ist., 1849, p. 90. Lanc., Front., pp. 323-326. Hirsch., Unter., pp. 161-174.

there were, nevertheless, very stringent rules as to its use. It seems that land owners, rather than go to the *castella* provided for the purpose, preferred to make an opening in the drains, and supply themselves with water therefrom.² This was soon forbidden, and allowed only by special permission of the emperor, the fact being emphasized that water was to be had only at the *castella*.³ The proprietors of land through which the aqueducts passed were exempt from certain taxes, provided they kept in good order the strip of land in question, on penalty of forfeiture.⁴ There was to be no waste of water by the superfluous watering of gardens and fields, nor in bathing.⁵

16. The money for repairing the aqueducts was gotten also from the *scalae*, customs duties imposed upon small harbors;⁶ and if the money thus collected was not used for the repairs of the aqueducts, the *praefectus urbis* (and therefore his subordinate, the *comes formarum*) had himself to bear the cost of the repairing.⁷ A special chest was therefore established for the use of the *comes formarum*.⁸ Another source of income was the annual election of the consul, for it was ordered that the money which had previously been wasted by scattering among the people, was to be turned over to the treasurer of the *arca formarum*,⁹ the same holding true even when one was appointed by the emperor *consul honorarius*.¹⁰

THE COMES RIPARUM ET ALVEI TIBERIS.

17. Concerning the origin of the *cura Tiberis* there has been almost endless discussion. The three original sources from

¹ Deser. Urb. Romae, Lanc., Ruins, pp. 56, 57. Jordan, II, pp. 41, 568, 569.

² Front., 129.

³ C. Th., XV, 2, 4, 6. C. J., XI, 43 (42), 2, 11. Front., 106.

⁴ C. Th., XV, 2, 1. C. J., XI, 43 (42), 1, 6. In earlier times, a space of fifteen feet was to be left clear and unoccupied on each side of the sources and arches of the aqueduct, and a space of five feet above the subterranean conduits and channels (Front., 127).

⁵ C. Th., XV, 2, 3, 5, 6, 7. C. J., XI, 43, 3, 4, 5.

⁶ See Du Cange, s. v.

⁷ C. J., XI, 43 (42), 7, 8.

⁸ C. J., XI, 43 (42), 8. Sym., X, 40.

⁹ C. J., XII, 3, 2.

¹⁰ C. J., XII, 3, 2, 3.

which information is derived are Suetonius, Tacitus and Dio Cassius,¹ and the uncertainty lies in the fact that the last two agree in stating that it was Tiberius who established the service, whereas Suetonius says that it was Augustus.

18. As far back as 700 A. U. C., on account of a recent flood,² Marcus Valerius Messala and Publius Servilius Isauricus, according to a decree of the senate, set *cippi* to determine the extent of the banks of the Tiber, a duty regularly belonging to the censor.³ In 746 A. U. C. two men of consular rank, Gaius Asinius Gallus and C. Marcius Censorinus, again set *cippi* in the central and southern parts of the city, also *ex senatus consulto*.⁴ During the next year, 747 A. U. C., Augustus himself either made a new measurement, or at any rate, completed in the Campus Martius that begun by Gallus and Censorinus.⁵ It is very likely that from this date to 15 A. D. the *curatores* were all consuls of preceding years.⁶ Finally, in 15 A. D., as a result of another serious flood, Tiberius entrusted the special study of the Tiber's floods and of a means for better protection to Ateius Capito and Lucius Arruntius (consul in 6 A. D.), who, in pursuance of what has just been said, may have been the two men in charge of the Tiber's navigation for that year.⁷ Upon the report of these men, Tiberius then established a college of five men, four of senatorial rank, to be chosen by lot and presided over by a consular.⁸ This now became the regular form of the college of *curatores alvei Tiberis*, until the reign of Claudius, when the authority was changed from the previous *ex senatus consulto* to *ex auctoritate imperatoris*, probably be-

¹ Suet., Aug., 37. Tac., Ann., I, 76. Dio, 57, 14, 8.

² Dio, 39, 61.

³ CIL., I, 608-610, 612-614; VI, 1234a-1, 31540. Livy, IV, 8, 2.

⁴ Consuls in 8 B. C. CIL., VI, 1235a-m, 31541. Bull. Com., 1885, p. 98, 1011, 1012; 1884, p. 40; 1892, p. 70. Notizie, 1891, p. 165. Rushforth, p. 26.

⁵ CIL., VI, 1236a-i, 31542. Bull. Com., 1892, p. 71. Notizie, 1890, pp. 82-84, 187, 322, 323, 390; 1891, pp. 91, 165.

⁶ Cantarelli, Bull. Com., 1889, p. 185; 1894, p. 40, 354. Vaglieri, p. 254, 1878, p. 241.

⁷ Capito was curator aquarum from 13-23 A. D. Front., 97, 102.

⁸ Gatti Bull. Com., 1887, p. 306; 1889, p. 165. Hirsch., Unter., p. 150-153. CIL., VI, p. 266, 31544.

cause Claudius (as shortly later also Vespasian) exercised censorial power. This fact points to the original officer to whom this duty had belonged, namely the *censor*.¹ In the reign of Vespasian, only one curator is mentioned,—the president of the board; but in case any one of the subordinate members was appointed to a special piece of work, his name appeared on the *cippi*.² During the reign of Trajan, in 101 A. D., the *cura cloacarum* was for the first time added to that of the *alveus Tiberis* (at any rate, the mention of it first occurs in the inscriptions), the title now becoming *curator alvei et riparum Tiberis et cloacarum urbis*.³ The composition of the board was also changed; it now consisted of a presiding officer of consular rank and two assistants of equestrian rank.⁴ This title remained constant till the time of Constantine,⁵ and even under this emperor's reign the title is found with the rank *clarissimus*.⁶ Towards the middle of the fourth century, about 330 A. D., the curator became known as *consularis alvei Tiberis et cloacarum*.⁷ Finally, in the beginning of the fifth century, this officer again changes title and becomes known as *comes riparum et alvei Tiberis et cloacarum* (a title, however, which is not found in inscription), thus following the same process of development that took place in other departments of the administration.

19. The primary duty of this officer was, as the name implies, to keep the river clear for navigation, and to decide just how much of the land on each side of the Tiber was public property and legally belonged to the banks of the river,—a function which was especially necessary in consequence of the frequent floods of the river.⁸ The portion of land thus decided upon

¹ CIL., VI., 1237, 31545. Wilm., 848. Bull. Com., 1881, p. 13, 452; 1887, p. 306, 313; 1889, pp. 165, 186. Notizie, 1889, p. 70.

² CIL., V, 531; VI, 1238, 31546-31548. E. E., IV, p. 281, 807. O.-H., 6495. Wilm., 1147. Bull. Com., 1878, p. 242, 109; 1885, p. 98, 1014; 1887, p. 15.

³ CIL., III, 5667; VI, 1239a-g, 31549-31551. Bull. Com., 1885, p. 99, 1015, 1016; 1887, p. 16; 1892, p. 71. Notizie, 1884, p. 41; 1890, p. 84, 187.

⁴ Bull. Com., 1894, p. 359; 1889, p. 189.

⁵ CIL., II, 4509; XI, 3364; VI, 1240-1242, 1523, 31552-31556; V, 4335; X, 5061; XIV, 3900, 3902. O.-H., 5450, 6497, 4910, 5480, 2285. Wilm., 1172, 1165, 1190, 1217, 1221.

⁶ CIL., VI, 1143, 1723. O.-H., 6505.

⁷ CIL., VI, 1773; X, 1695, 1696, 4752. Wilm., 1230.

⁸ Cf. Lanc., Ruins, p. 10.

was marked off by *cippi* bearing the names of the magistrates and the distance from the *cippus* to the next one, usually with the words *recto rigore pedes* and the proper numeral. Other officials mentioned at various times in connection with the *cura Tiberis* are: a *praefectus curatorum alvei Tiberis*, in the reign of Claudius;¹ a *procurator ad ripas Tiberis*,² who, together with the former, is to be thought of in connection with the great works undertaken by Claudius;³ a *commentariensis urbis alvei Tiberis*;⁴ a *tabularius riparum Tiberis*, perhaps, a false inscription;⁵ an *adiutor curatoris alvei*, etc.⁶ The headquarters of the service, in this as in many other departments, was called *statio*, the *statio alvei Tiberis et cloacarum sacrae urbis*.⁷

THE COMES PORTUS.

20. The *comes portus* was first known in 370 A. D.⁸ and was in charge of the harbors. He saw to it that the dues and customs were collected, and that no harm befell the merchants and their sailors while in the harbor;⁹ for it seems that often there were disturbances between those of the harbor and the foreigners during the unloading of the ships and their stay in port.¹⁰ When a ship left port the *comes* was always to ascertain its destination, so that he might prevent the exportation to foreign markets of those objects which were to be reserved for use in Italy itself.¹¹ Many of the laws referring to shores and voyages are addressed to the *praefectus praetorio*, and not to the *praefectus urbis*, perhaps as part of the former's more general supervising powers.¹² The great body of *portuenses* was judged

¹ CIL., X, 797. O.-H., 2276. Wilm., 1746. Bull. Com., 1887, p. 312.

² CIG., III, 3991.

³ Hirsch., Unter., p. 153.

⁴ E. E., III, p. 50, 48. CIL., II, 6085. Bull. Com., 1889, p. 190.

⁵ O.-H., 3248.

⁶ CIL., XIV, 172. Bull. Ist., 1883, p. 207.

⁷ CIL., VI, 1224.

⁸ CIL., X, 6441.

⁹ Var., VII, 9. Not. Dign. Occ., pp. 191, 192.

¹⁰ Var., VII, 23.

¹¹ C. Th., VII, 16, 3. C. J., XII, 45, 1. Var., II, 12.

¹² C. J., XII, 45; IV, 63, 3, 4. C. Th., VIII, 16; XIV, 23; XIV, 4, 9.

by the *praefectus annonae*; but their highest three *patroni*, one of whom was elected to be chief for five years, were judged by the *praefectus urbis*.¹ Here also belonged the *saccarii*, who alone could carry the goods brought in by the ships of private persons.² At the head of the *portuenses* was the *centenarius portus*, later supplanted by the *vicarius portus*, who had police control of the harbor.³ Over all was the *comes portus*, a *clarissimus*.⁴

THE MAGISTER CENSUS.

21. The *magister census*, a *clarissimus*,⁵ formerly called a *censibus*, had under his charge the *censuales* and a *tabularium* connected with the *aerarium* and composed of *tabularii censuales* divided into *decuriae*.⁶ When a sale or transfer of some of the land of the *res privata* was made, the transaction had to pass through the hands of the *magister census*.⁷ Certain judicial acts which had previously been handled by the senate, were, after the reign of Anastasius (491 to 518 A. D.), entrusted to the care of the *magister census*, pointing to the fact that he was, in all probability, the successor of the *ab actis senatus* in this respect.⁸ Public donations also were received through the *magister census*.⁹ Whoever went to the capital for the purposes of study, had to present himself and give his address to the *magister census*, which address was afterwards handed over to the *praefectus urbis*.¹⁰ The *magister* also investigated the census of the senators, a quarterly report of which was sent to the emperor by the *praefectus urbis*; he kept track of the *glebae senatoriae breves* and the *conlatio glebalis*, entrusted to him by Constantine;¹¹ also, of the *aurum oblativum*, the money given by the senate to the emperor on jubilee occasions.¹² In the

¹ C. Th., XIV, 4, 9.

² C. Th., XIV, 22. O.-H., 4176, 7276. Wilm., 328.

³ Var., VII, 23; cf. 9. Walter, par. 378. Will., p. 568.

⁴ Var., VII, 9. CIL., X, 6441. Wilm., 1231. Hirsch., Unter., pp. 141, 142. Schil., II, p. 61.

⁵ CIL., VI, 1704. O.-H., 6947. Wilm., 1223. C. J., VIII, 53, 32.

⁶ C. Th., VI, 4, 26; XIV, 1, 1. O.-H., 155. Lyd., II, 30. Hirsch., p. 19.

⁷ C. Th., IV, 4, 4. C. J., IV, 66, 3.

⁸ C. Th., VI, 28, 5. C. J., XII, 22, 2. Nuove Mem., p. 327.

⁹ C. Th., VIII, 12, 8. C. J., VIII, 53 (54), 30, 32.

¹⁰ C. Th., XIV, 9, 1.

¹¹ C. Th., VI, 2, 11; XII, 1, 74, 1. Dessau, 1214.

¹² C. Th., VI, 2, 8, 11, 15, 20; cf. VI, 23, 1; VI, 26, 12; XIII, 3, 15.

absence of the praetors and quaestors, it was he who collected money for the games,¹ in connection with which, in Constantinople, he had censorial power over the dress used by senators.² Finally, he had the superintendence of wills and testaments made in the capital;³ and in case an orphan was left in the care of a guardian, the inventory of the former's property was made by the *magister census*.⁴

THE CURATOR OPERUM PUBLICORUM.

22. Under Augustus, either together with the *curator aquarum* or shortly after that time, was established the *cura operum publicorum*, a charge entrusted to two *curatores* either of praetorian or consular rank.⁵ Their full title was *curatores aedium sacrarum locorumque publicorum tuendorum*,⁶ and from the fact that the office might be held either by a consular or by a praetor, it may be inferred that it was considered of inferior rank to that of the *curator aquarum* or *curator alvei Tiberis*.⁷ A division of powers between the two *curatores* was inevitable, and so one *curator* restricted himself to the public works, while the other restricted himself to temples and sacred buildings, a division resulting more as a matter of fact than as a matter of law.⁸ And so the title of the incumbent was sometimes, and by far in the majority of cases, *curator operum publicorum*;⁹ sometimes, *curator aedium sacrarum*, or simply *aedium*;¹⁰ and sometimes, *curator aedium sacrarum et operum locorumque publicorum*, a form very near the original title.¹¹

¹ C. Th., VI, 4, 6, 7, 11. Sym., IV, 8.

² C. Th., XIV, 10, 1.

³ C. Th., IV, 4, 4. C. J., VI, 23, 18, 31.

⁴ C. J., I, 3, 30.

⁵ Cantarelli, Bull. Com., 1894, p. 203 seq. Suet., Aug., 37.

⁶ CIL., IX, 3306. O.-H., 3109. Wilm., 1130.

⁷ Daremberg and Saglio, s. v. *curator*.

⁸ Momm. St., II, pp. 1051, 1052.

⁹ CIL., XIV, 3602; VI, 814, 1854, 1008, 1119b, 861, 1585 b, 1352; X, 6658, 6006; XI, 3718, 3365; II, 1283; III, 1457, 6154; V, 7783. O.-H., 6453, 2273, 3382, 6484, 6051, 6575, 5479, 39, 24. Wilm., 1163, 1181, 1188, 636a, 2840. Klein, Rhein. Mus. für Phil., 1881., pp. 634-649.

¹⁰ CIL., VI, 1517, 360; XIV, 2505. O.-H., 2274, 874. Wilm., 80. Kl., 19, 20.

¹¹ CIL., II, 4509-4512; VI, 8581, 855, 3702; VIII, 80; XIV, 3593. O.-H., 6512, 5427. Wilm., 1291a. Kl., 4, 11, 15, 22.

Under Diocletian, he was *curator operum publicorum vir clarissimus*,¹ a title which he kept under Constantine, and even later,² when there was established a *curator operum maximorum*.³

23. From the title, it is evident that these *curatores* were placed in charge of temples and public buildings (duties previously performed by *aediles*),⁴ and, in the third century, with the building of imperial edifices.⁵ They had, however, nothing to do with the financial part of the construction, which of course, fell to the *fiscus*. Among the works under his charge were: the ramparts, toward the repairing and building of which every one had to contribute;⁶ baths;⁷ porticoes;⁸ courthouses;⁹ and temples.¹⁰ No public work could be commenced without the special permission of the emperor,¹¹ nor could any work be considered complete without the addition of the emperor's name.¹² The money set apart for the use of this *curator* was one-third of the revenue from the *fundi reipublicae*.¹³ Finally, the *curator* had to see to it that no public places were encroached upon by the buildings of private persons, and that the proper distance between houses was maintained, so as not to shut off the view in any way.¹⁴

24. The employees, who, at various times are mentioned as being under his charge, were imperial freedmen, at whose head was a *procurator operum publicorum*,¹⁵ a man of the equestrian order. Other men forming the *officium operum*

¹ CIL., VI, 1673. O.-H., 60.

² CIL., X, 4752. O.-H., 2284. Wilm., 1230c.

³ CIL., VI, 1723. O.-H., 3162. Hirsch, Unter., p. 154 seq.

⁴ Abbott, p. 368.

⁵ Wilm., 1282, 1295.

⁶ C. J., VIII, 12, 12.

⁷ Var., II, 39.

⁸ C. J., VIII, 12, 16, 19.

⁹ C. J., VIII, 12, 4, 5.

¹⁰ O.-H., 6498. Wilm., 1179.

¹¹ C. J., VIII, 12, 5. Dig., I, 10, 3, 1.

¹² C. J., VIII, 12, 10. Dig., I, 10, 3, 2.

¹³ C. J., VIII, 12, 11.

¹⁴ J. Nov., 63. C. J., VIII, 12 (11), 20.

¹⁵ O.-H., 3180. Wilm., 1275. Bull. Ins., 1851, p. 74; cf. CIL., VII, 1054. O.-H., 6513, *subcurator*.

publicorum,¹ were known under the general name of *ab opera publica*.² These were: a *dispensator rationis*,³ an *adiutor procuratoris*,⁴ a *vicarius*,⁵ *tabularii*,⁶ an *a commentariis*,⁷ *rationales*,⁸ and *exactores*.⁹ At times a special *curator* was appointed by the emperor to take charge of a special work.¹⁰ Finally, there is the substitute of the *curator*, the *vice operum publicorum*.¹¹

THE CURATOR OPERUM MAXIMORUM.

25. The *curator operum maximorum*, a *clarissimus*,¹² attended more particularly to such works as the Circus Maximus, the Amphitheatrum Castrense, the Campi Viminalis and Martius.¹³ It is a question exactly to which works the name *magna* or *maxima* was attached; among them, perhaps, were included the Forum Romanum, the Macellum Magnum, the Circus Flaminius, and the Ludus Magnus. Perhaps also the *porticus maximae* of Theodosius, Gratian and Valentinian, mentioned in the Einsiedlen No. 15, were included in the number.¹⁴ In other words, it is thought that this *curator* had under his charge all those works which included the words *magnus* or *maximus* in their name. From a comparison of his title with that of the *curator operum publicorum*, one is inclined to believe that the latter was a subordinate of the former, and indeed Mommsen, still working upon the comparison of

¹ CIL., VI, 1585a.

² CIL., VI, 2336, 2337. O.-H., 6552, 6274.

³ CIL., X, 529. O.-H., 6540.

⁴ CIL., VI, 455.

⁵ CIL., VI, 8478. O.-H., 2823.

⁶ CIL., VI, 8479.

⁷ CIL., XI, 3860. O.-H., 3205. Wilm., 1351.

⁸ O.-H., 39. Wilm., 2840.

⁹ CIL., VI, 8480, 8481.

¹⁰ CIL., IX, 1419; X, 1266. O.-H., 3263, 3264, 4006, 4011.

¹¹ CIL., IX, 1121. O.-H., 6511, 6512. Wilm., 1219a.

¹² CIL., VI, 1723; X, 6441. Wilm., 1230c; cf. 1231.

¹³ Not. Dign. Occ., p. 198.

¹⁴ Jordan, II, p. 72.

the two names, has suggested for *curator operum publicorum* the fuller title of *curator operum publicorum minorum*.¹

THE CURATOR STATUARUM AND THE TRIBUNUS RERUM NITENTIIUM.

26. The *curator statuarum*, a man of the rank *clarissimus*,² was in charge of the great number of bronze and marble statues scattered throughout the city, such as the *dii aurei et eburnei*, *equi aurei* and the *colossus*,³ and, therefore, at times patrolled the streets at night.⁴ The *dii aurei* numbered eighty; the *eburnei*, seventy-four; and of the other statues the *curator* must have kept a very exact inventory and description, for we find the following summary given for the time of Justinian,—*bases marmoreae*, 31, *ahenea simulacra regum et ducum*, 3785.⁵ Closely connected with this officer was the *centurio rerum nitentium*,⁶ who was afterwards called *tribunus* and, still later, *comes*.⁷ There is great difference of opinion as to the duties of this officer. One would make him responsible for the cleanliness of the temples, fora, baths, theatres and all other public places,—a sort of commissioner of street cleaning; the other would not make him any different from the *curator statuarum*, giving him simply a general care over the monuments of the city.⁸ Perhaps the latter name, *tribunus rerum nitentium*, belonged to a subordinate officer of the *curator statuarum*, and the officer is to be identified with the *architectus publicorum*.⁹

THE TRIBUNUS VOLUPTATUM.

27. The *tribunus voluptatum*, also a *clarissimus*, was created to provide for court entertainments.¹⁰ He attended also to the

¹ Bull. Inst., 1866, p. 128.

² CIL., VI, 1708. O.-H., 3111. Wilm., 1227.

³ Jordan, l. c.

⁴ Var., VIII, 13; II, 35, 36.

⁵ Jordan, II, pp. 43, 49, 73; cf. Hist. Aug., Alex. Sev., 24. Bull. Com., 1884, p. 224. Gregorovius, Hist. of Rome, I, p. 79.

⁶ Ammian., XVI, 6, 2. Not. Dign. Occ., p. 204.

⁷ Du Cange, s. v.

⁸ Not. Dign., l. c.

⁹ Mommsen, Neues Archiv, 1888–1889, vol. 14, p. 493. Var., VII, 15; cf. Var., III, 29; VII, 5; cf. Sym., V, 76.

¹⁰ C. Th., XV, 7, 13; I, 19.

shows of the amphitheatres and helped to keep order at all public spectacles,—occasions on which it was very easy for the populace to lose control of their passions.¹ In previous times there had been a *procurator voluptatum*,² a *ludi procurator*,³ *cura ludorum*,⁴ and *curator munerum ac venationum*.⁵ From this the title changed to *praepositus*, and finally, as perhaps continued by Constantine, to *tribunus*.⁶ The headquarters were called *statio*.⁷ Towards the end of the fourth century, the superintendence of the games belonged, at Rome, to the *praefectus urbis*,⁸ in the East, to the *praefectus praetorio Orientis*,⁹ and in Africa, to the proconsul.¹⁰ Only in the beginning of the fifth century, in 414 A. D., do we find the *tribunus voluptatum*.¹¹

¹ Var., VII, 10.

² CIL., XIV, 2932. O.-H., 2972.

³ Tac., Ann., XI, 35.

⁴ Tac., Ann., XIII, 22.

⁵ Suet., Calig., 27.

⁶ De Rossi, Bull. Com., 1872, p. 136.

⁷ CIL., VI, 8619.

⁸ C. Th., XV, 7, 1, 4, 5, 6, 7, 8. C. J., XI, 40, 2, 3.

⁹ C. Th., XV, 7, 10, 11, 12. C. J., XI, 40, 4, 5, 6.

¹⁰ C. Th., XV, 7, 2, 3, 9. C. J., XI, 40, 1.

¹¹ C. Th., XV, 7, 13.

CHAPTER V.

THE MAGISTER MILITUM.

1. The position of the *magister militum* (in the form of *magister equitum*) was a very ancient one indeed. Romulus is said to have appointed centurions over the foot soldiers, and a certain Celer over the equestrian troops, to whom he gave such immense powers that only the crown itself was superior.¹ There was always a very remarkable connection between the *magister equitum* and the *dictator*. The former was the fixed and necessary assistant of the latter;² he was appointed by the dictator, who was prohibited by the constitution from mounting on horseback,³ and who saw to it that the man he selected was not one who would impede his powers during the short period of the dictatorship. In fact, during the period of the republic, the *magister equitum* is inconceivable apart from the dictator. This office all the kings and dictators made use of until the time of the empire, at no time playing a more important part than between 39 and 44 B. C., because of the continual absence of the dictator from Italy during this time.⁴ Augustus transferred the powers of the *magister equitum* to the *praefectus praetorio*, who maintained his military powers for a long time.⁵ Great changes took place in the reign of Constantine; by this emperor the office of the *magister equitum* (under the form of *magister militum*) was given new birth at about the time of the appointment of his sons as Caesars. It was then that Constantine established two *magistri militum*, one over the cavalry and another over the infantry (with the sole purpose of diminishing

¹ Lyd., de Mag., I, 14, 37.

² Madvig, I, p. 494.

³ Mommsen, Hist., II, ch. 1.

⁴ Abbott, p. 136.

⁵ Lyd., II, 13, 19, 24; I, 37.

the powers of the *præfectus praetorio*), and transferred to these new officers the power of disciplining and punishing the soldiers.¹ By this act, Constantine undoubtedly made the *magister militum* the highest military officer in the state; and the *magister*, together with the *præfectus praetorio* and the *præfectus urbis*, formed the highest division of the official world.²

2. To the two *magistri* established by Constantine, Constantius added three more, one for each of the subordinate *Caesares*,—the *magister militum per Orientem*, *per Gallias*, and *per Illyricum*. These were suppressed by Julian, but were restored by Jovian; and, by the creation of a *magister militum per Thracias*, the number was raised to six by Theodosius I.³ This increase of numbers was due to the continued subdivision of the empire, and to the frequent incursions of the barbarians, which also caused the *magistri* to command both the infantry and the cavalry. We consequently meet with such titles as *comes et magister equitum*,⁴ *comes et magister equitum et peditum*,⁵ and *vir clarissimus comes et magister utriusque militiae*.⁶ At the time of the *Notitia Dignitatum*, there were, altogether, five *magistri* in the Eastern and three in the Western Empire. Of these, those who (whether in the East or in the West) formed part of the royal court, and there were two in each case, were called *magistri militum in praesenti*, or simply *praesentales*, because they were always present in the capital. The *magistri militum praesentales* of the East, however, differed from those of the West: the former commanded at the same time both the infantry and the cavalry; the latter divided these powers,—the

¹ Zos., II, 33. Lyd., II, 10; III, 40.

² C. Th., VI, 7, 1. Madvig, I, p. 588. Walter, par. 416. B.-L., p. 136.

³ Ruggiero, s. v., *comes*. Schil., II, pp. 90, 91.

⁴ C. Th., VII, 1, 9; VIII, 1, 10.

⁵ C. Th., VII, 1, 2; VII, 1, 7.

⁶ C. Th., VII, 1, 13; VII, 4, 18; VII, 5, 1; VII, 7, 3; VII, 9, 3; VII, 20, 12. CIL., VI, 1188, 1732; IX, 4051; cf. VI, 1719, 1730, 1731, 1733, 1189. Simply, *magister militum*, C. Th., VII, 1, 10, 11, 18; VII, 4, 34; *comes et magister militum*, C. Th., VII, 1, 8; VII, 7, 5 (C. J., XI, 60, 3); VII, 8, 8; VII, 11, 1.

magister peditum in praesenti of the West,¹ who seems to have had the precedence over his companion, had under his command the legions, the barbarian forces and the fleet, while the *magister equitum in praesenti*² commanded the cavalry only. So much for the *praesentales* both in the East and in the West. In the East, there are still *three magistri militum*; these were placed in command at the three cardinal points of the Eastern Empire, where the proper defence of the boundaries was felt to demand a more immediate supervision. And so there was a *magister militum per Orientem*,³ another *magister per Thracias*,⁴ and a third *per Illyricum*,⁵ each one of whom, as their *praesentales*, commanded both the infantry and the cavalry. In the West, there was a *magister militum per Gallias*, who commanded, by exception, both infantry and cavalry.⁶

3. The composition and organization of the army changed at the same time. In general, all the soldiers fell into three classes,—the *limitanei*, the *comitatenses*, and the *palatini*.

4. Already under Diocletian there had existed two classes of soldiers,—the *in sacro comitatu* and the *limitanei*.⁷ The *limitanei* had been greatly increased in number by Diocletian, and had been made troops of the first class, guarding the boundaries of the empire.⁸ Under Constantine and before 310 A. D., the soldiers *in sacro comitatu* were divided into *comitatenses* and *palatini*. Nor was Constantine content with these changes; he now strengthened the field army, the *comitatenses*, at the expense of the *limitanei*, reducing the latter to troops of the second class,⁹ who received smaller pay, had fewer privileges than the *comitatenses*,¹⁰ and had a longer period of service.¹¹

¹ Not. Dign. Occ., p. 17; cf. Or., pp. 17, 21.

² Not. Dign. Occ., p. 29.

³ Not. Dign. Or., p. 25.

⁴ Not. Dign. Or., p. 29.

⁵ Not. Dign. Or., p. 33.

⁶ Not. Dign. Occ., p. 35. B.-H., III, par. 135, 127. Zos., II, 33; IV, 27. B.-L., p. 316. Walter, par. 363. Momm., Hermes, Vol. 24, 1889, pp. 260–264. Misp., I, p. 324.

⁷ CIL., III, 6194.

⁸ Zos., II, 34. Lactant., de mort. persec., 7. Hermes, I. c., p. 210.

⁹ Vict., Caes., 41, 12.

¹⁰ C. Th., VII, 13, 7, 3.

¹¹ Twenty-four years. C. Th., VII, 20, 4, 2.

5. The *limitanei* were called *ripenses*,¹ *milites riparienses*,² *militia ripensis*,³ and *riparienses castriciani*,⁴ although their general name was *milites limitanei*.⁵ Those of the *limitanei* who were detailed to a special fort were called *castriciani*,⁶ or *castellani*.⁷ Both infantry and cavalry made up the *limitanei*. The infantry consisted of *legiones* (the old ones of 6,000 men, the new ones of 1,000);⁸ of *auxilia*, bodies of barbarians 500 strong, and very highly thought of as respects their fighting qualities, especially because of the decadence of the Romans themselves;⁹ and of *cohortes* of 300 men each, not differing very much from the cohorts of the old organization.¹⁰ The cavalry consisted of *cunei equitum* (each of 500 men), of bodies of *equites*, and of *alae*. The distinction between the soldiers belonging to the *cunei equitum* and those belonging to the *equites*, has been explained as being that the former were barbarians, that their squadrons (*cunei*) were formed in the German fashion, and that they were superior to the *alae*.¹¹ For the most part the *duces* (the representatives of the old *legati pro praetore*) had command of the *limitanei*.¹² Their duty was to guard the frontiers and, in case of an invasion, to keep the enemy in check until the arrival of the *comitatenses*.¹³

6. The *comitatenses* (first mention of whom by the laws is in 325 A. D.),¹⁴ were under the *magistri militum*. They were divided into legions and *vexillationes*, the former composed of

¹ C. Th., VII, 20, 4.

² C. Th., VII, 4, 14.

³ C. Th., VII, 22, 8.

⁴ C. Th., VII, 1, 18. C. J., XII, 35 (36), 14, *Castrensiani*.

⁵ Hist. Aug., Alex. Sev., 58. Probus, 14, 7. C. Th., XII, 1, 56; VIII, 4, 17; VII, 4, 30.

⁶ See note four.

⁷ C. Th., VII, 15, 2.

⁸ Hermes, I. c., pp. 212, 215, 229, 254.

⁹ Hermes, I. c., pp. 205, 206, 255. Schil., pp. 86-88; cf. CIL., V, 923;

VII, 924. O.-H., 6686.

¹⁰ Hermes, I. c., p. 255.

¹¹ Hermes, I. c., p. 208.

¹² Hermes, I. c., p. 211.

¹³ Schil., II, p. 93.

¹⁴ C. Th., VII, 20, 4.

1,000 infantry, the latter of 500 horse. Service in each of these divisions was fixed at twenty years.¹ To these soldiers must be added the so-called *pseudo-comitatenses*, or those soldiers who formerly belonged to the *limitanei*, and who, as a sort of promotion, were transferred to the *comitatenses*, the large field army. Yet, judging from their name, it seems that they were not made fully equal to the latter in rank.² The *palatini*, with few exceptions under the *magistri militum praesentales*, consisted of legions and *vexillationes*, corresponding to those of the *comitatenses*.³ The name *palatini* first occurs in the laws in 365 A. D.,⁴ and the expression *numeri palatini* has also been found.⁵ From the number of soldiers attributed to the different parts of the Roman army as above, Mommsen has calculated its strength to have been at the time of the Notitia about 554,500 men.⁶

7. Just what the powers of a *magister militum* as a military officer were is not very clear. They had absolutely no power over the provincials.⁷ He could not transfer soldiers from one place to another, or from one post to another, except by special permission of the emperor; or, in case of urgent need not admitting of delay, he could do so on his own responsibility. In this latter case, however, he was to report to the emperor, telling him the place from which and the one to which he transferred them, the name of their new commanders, and, above all, the reason why the change was made.⁸ This law applied to the *praefectus praetorio* as well, who, on account of his supreme position in the state, might, in emergencies and with the consent of the *magister militum*, dispose of the soldiers also. In every case, the transfer of the soldiers from one corps to another was to

¹ C. J., VII, 64, 9; X, 55 (54), 3.

² Hermes, I. c., pp. 208, 209, 254. Schil., p. 92.

³ Hermes, I. c., pp. 255-257.

⁴ C. Th., VIII, 1, 10.

⁵ C. Th., VII, 1, 18; cf. *Scholae* in C. Th., VII, 4, 22.

⁶ Hermes, I. c., p. 257. Bury's Gibbon, Vol. II, appendix, 11. Seeck Gesc., II, 480-483.

⁷ C. J., I, 29, 1.

⁸ C. J., I, 29, 4. C. Th., I, 7, 1.

be made only for the public utility.¹ In case of disobedience, there was always a penalty specified. The *magistri militum* were also warned that the soldiers whom the state armed and maintained, were to be used only for public services, and were not to be set at work on the fields, nor at taking care of animals of any kind, but were to labor in daily military exercises so as to be ready for war at all times.² The *magistri militum* must have called forth this law by their own actions; and here also a fine is specified not only for the *magister militum* who disobeys the law, but also for the one who has consented to hire the soldiers for manual work. It is evident that the *magister* was responsible for also the order of the camp, especially when the army arrived at a river; in this case he was to see to it that the stream was not made impure either by the men or by the horses.³

8. The *magistri* were the natural judges of the army under their immediate command, and were invested with the power of jurisdiction even in certain civil matters of his soldiers. But the lesson taught by the transformation of the *praefectus praetorio* had not been lost; on the contrary, it has been so thoroughly learned that the civil powers of the *magistri* were very specifically stated. In case one of the apparitors of the *magister* had had a certain sentence or decision pronounced upon him by the governor of a province, and this sentence had been suspended by an appeal, the *magister* had the right to consider this appeal together with the *praefectus praetorio*, even though he had originally delegated the case to that very governor.⁴ Ordinarily, however, the *magister* had full power over his own apparitors, both in civil and criminal cases.⁵ As has been said, the *magister* had power to investigate and punish all misdemeanors of the soldiers that were of a military character;⁶ but in civil matters, when a soldier was either plaintiff or defendant, the decision rested with the provincial judges. To the

¹ C. J., XII, 35, 14. C. Th., VII, 1, 18.

² C. J., XII, 35 (36), 15.

³ C. J., XII, 35 (36), 12. C. Th., VII, 1, 13.

⁴ C. J., VII, 62, 33; XII, 54, 3; I, 26, 4. C. Th., I, 5, 2; I, 7, 2.

⁵ C. J., I, 29, 2. C. Th., I, 7, 4.

⁶ Zos., II, 33.

same person belonged the decision even in those criminal cases where the soldier was the accuser; but when the soldier was the accused, the provincial government was to get him in custody and hand him over to the *magister militum* who was then his judge.¹ Whenever a *magister* judged a case over which he had no jurisdiction, his decision had of course, no validity whatsoever.² An appeal from the provincial office-holders, in military cases, went to the *praefectus praetorio* and not to the *magister militum*, even when the accused was a soldier.³ It was only later, in 413 A. D., that civil jurisdiction was given to the *magister*, when both parties were soldiers and even when the defendant alone was a soldier.⁴ Even then he was sharply warned not to lead those who were not soldiers before his tribunal, and *curiales* were in 416 A. D. expressly forbidden to bring their cases before a military tribunal.⁵ The *magistri* were, in addition, the regular judges of the *comites rei militaris* and the *duces*, but not over the officers that were subordinate to these latter.⁶ From the decision of the *magister militum* appeal went to the emperor, which meant in those times, to the *praefectus praetorio*.⁷ Finally, the office of *magister militum* was one of the few offices which qualified the holder for the patriariate.⁸ It is plain that as established by Constantine and as continued by his successors, the office of *magister militum* was intended to be strictly military in its character.

9. The insignia of the *magister militum* were, in earliest times, crests, fasces, standards and palm branches. But all these disappeared, and there was left to the *magister* only one armed man carrying a single bundle of long rods, not knowing why this was so, but merely following tradition.⁹

¹ C. Th., II, 1, 2, 9; IX, 2, 2. C. J., IX, 3, 1.

² C. J., VII, 48, 2.

³ C. Th., I, 5, 10; I, 7, 2. C. J., I, 26, 4.

⁴ C. J., III, 13, 6; XII, 36, 18. Hermes, I. c., p. 259.

⁵ C. J., I, 46, 2. C. Th., II, 1, 9.

⁶ C. J., XII, 35, 18; XII, 59, 8; I, 27, 2. C. Th., VII, 1, 9; VII, 17, 1; IX, 2, 2; VI, 20, 13.

⁷ C. Th., XI, 30, 30. C. J., VII, 67, 2.

⁸ C. J., XII, 3, 3.

⁹ Lyd., de Mag., I, 37; II, 39.

CHAPTER VI.

THE PRAEPOSITUS SACRI CUBICULI.

1. The existence of the *praepositus sacri cubiculi*, or, as sometimes called, *supra cubicularios*,¹ or *praepositus cubiculo*,² points clearly to Oriental influences, and to the Orientalizing of the Roman court. One can not imagine such a position in kingly or republican periods; but the moving of the seat of empire to the East tended entirely in this direction. It is interesting to note the position which the *praepositus* occupies in the list of the Notitia. He is put immediately after the more important positions, such as the *praefectus praetorio*, the *praefectus urbis* and the *magister militum* (which are public in character), and ahead of all the other officers that are of a rather private character, or at least that are thoroughly connected with the palace. Under Theodosius II. and Honorius special pains was taken to declare that the *praepositus sacri cubiculi* held the same rank as the *praefecti praetorio* and *urbis* and *magister militum*, and that at public functions the only ranking should be that of seniority.³

2. The *praepositi* were the constant companions of the emperor. Naturally, they exercised very much influence, as all other eunuchs in the service of Oriental princes. In one case, though the *praepositus* himself had confessed that he had been a partner in a conspiracy, yet, through the influence of the other eunuchs, he overpowered justice.⁴ But they were not always so fortunate. The *praepositus* of Constantius was sen-

¹ CIL., VI, 3954, 4439, 8766, 9287.

² Suet., Dom., 16. C. Th., VI, 8.

³ C. Th., VI, 8, 1. C. J., XII, 5, 1.

⁴ Ammian., XV, 2, 10.

tenced to death for lording it over the emperor,¹ though he had been raised from the lowest ranks. As a rule, these *praepositi*, who were always under suspicion,² were eunuchs; and when the opposite was the case, special mention was made of the fact.³ The *praepositus* seems to have been only the nominal head of those *sub eius dispositione*, and not their judge. He himself attended, for the most part, to some of the private affairs of the emperor. For once, when the army was in revolt because of the lack of food and the retarding of their pay, the emperor sent his chamberlain with money to distribute as bribes and calm the storm.⁴ And again, the money which Symmachus, as *praefectus urbis*, had spent in repairing certain buildings, was to be refunded to him by the emperor through the *praepositus*.⁵ His powers as a judge were limited. All the slaves of the palace were submitted to his jurisdiction in both civil and criminal cases, but even this power he had to share with the *comes domorum*, the caretaker of the palace in question.⁶ The *cubicularii* themselves were judged not by the *praepositus* but by the *magister officiorum*, whether they were *castrensiani*,⁷ *silentarii*,⁸ *comites sacrae vestis*,⁹ or *decani*.¹⁰ Mention is also found of the fact that he had charge of the standard weights,¹¹ though this seems to have been the duty of the *praefectus urbis*.

3. The *praepositus* had a rather numerous body under his charge, all devoted to the personal service of the emperor. The highest of these was the *primicerius sacri cubiculi*, a man of the rank *spectabilis*,¹² the direct head of those who served as the

¹ Ammian., XXII, 3, 12.

² Ammian., XXX, 6, 4.

³ Zos., IV, 37.

⁴ Ammian., XIV, 10, 5.

⁵ Var., IV, 51; cf. V, 44; XI, 55.

⁶ C. J., III, 26, 11.

⁷ C. J., XII, 25 (26), 4; XII, 5, 3.

⁸ C. J., XII, 16, 4.

⁹ C. J., XII, 25 (26), 3; cf. XII, 5, 3.

¹⁰ C. J., XII, 26 (27), 2.

¹¹ Var., V, 39.

¹² Not. Dign. Occ., p. 297, 56. Or., p. 46; cf. CIL., V, 1680. O.-H., 6318. *Palatinus Centenarius*.

cubicularii of the emperor's apartment,¹ and therefore sometimes called *praepositus cubiculariis officiis*.² These *cubicularii* were divided into relays which alternated in their duties, the men being called *cubicularii stationis primae*,³ and *cubicularii stationis secundae*.⁴ Further, these *cubicularii* seem to have been divided into *decuriae*, for the expression *decurio cubiculariorum* is found.⁵ The reason for this twofold division into *stationes* is not quite certain. One opinion is that they were so divided for the purpose of relieving each other, one doing service in the antechamber during the day, the other during the night. Another opinion is that these two divisions denoted two different ranks of *cubicularii*.⁶ It does not seem very difficult to reconcile these different opinions; for, together with the division into the day and the night squads, one may very easily conceive that one of these, perhaps the night squad, was considered as the more important.

4. Next to the *primicerius* came the *comes castrensis sacri palatii*,⁷ who was in charge of all those who were not *cubicularii*. He had under his care a large number of pages (*paedagogia*⁸ or *regii ministri*⁹), who under a *primicerius* waited upon, and set the royal table (and were generally the sons of nobles of the court),¹⁰ the palace servants, such as cooks, bakers, and so forth. All these together were called by various names: *castrensiani et ministeriani*,¹¹ *ministeriales dominici et curae palatii*,¹² and *castrenses ministri*,¹³ forming the *castrensis fam-*

¹ CIL., II, 4065; VI, 3954, 4439, 8758, 9285; X, 526, 695. O.-H., 1635, 2846, 2863. Wilm., 178, 179, 406.

² Ammian., XXIX, 2. 7.

³ CIL., VI, 8532, 8774, 8775. O.-H., 4663, 6312, 7191. Wilm., 358.

⁴ CIL., VI, 5195. O.-H., 6312. Wilm., 457.

⁵ CIL., VI, 8773. Suet., Dom., 17; cf. Tableau, p. 369.

⁶ Marquardt, Privatleben, p. 144, note.

⁷ CIL., VIII, 311. C. Th., VI, 35, 3.

⁸ Ammian., XXIX, 3, 3. C. Th., VIII, 7, 5.

⁹ Ammian., XXVI, 6, 15.

¹⁰ Walter, par. 361.

¹¹ C. J., XII, 25 (26). C. Th., VI, 32.

¹² Ammian., XXII, 3, 7. C. Th., VI, 13, 1. Var., VII, 5.

¹³ Hist. Aug., Alex. Sev., 41, 3.

ilia.¹ Then came the *comes sacrae vestis*, who was in charge of the royal wardrobe;² the *comes domorum*, who superintended the repairs that were needful in the palace;³ the *silentarii*, thirty in number, who paced up and down before the apartments of the emperor to keep off all noise, and who kept guard at the door of the *consistorium* during audiences. They were divided into three *decuriae*, each in charge of a decurion, and were of the rank *clarissimus*.⁴ Finally, the *decani* were men charged by the emperor to make seizures of persons and things, and were of no higher than medium rank; they formed a *schola* commanded by four *primicerii*, who remained in power two years.⁵ Then, also, to keep track of the various contracts and promotions made by the emperor within their body, there were introduced into the service three *chartularii sacri cubiculi*.⁶

¹ CIL., VI, 8532. O.-H., 7191. Wilm., 358.

² C. J., XII, 25 (26), 3. C. Th., XI, 18, 1. CIL., VIII, 5234.

³ C. J., XII, 24, 3. C. Th., VI, 30, 2. See *comes rer. priv.*

⁴ C. J., XII, 16, 3, 5. C. Th., VI, 2, 21; VI, 23, 4. O.-H., 2956.

⁵ Darem. and Saglio, s. v. Willems, p. 557. Goth. ad C. Th., VI, 1. C. J., XII, 27, 1, 2.

⁶ Not. Dign. Occ., p. 293.

CHAPTER VII.

THE MAGISTER OFFICIORUM.

1. It is not known who was the first one to be called *magister officiorum*.¹ Very probably, the office was established by Constantine, and as early as 320 A. D. there is found mention of a *tribunus et magister officiorum*,² a name denoting a military officer, and later of a *comes et magister officiorum*,³ the name of a civil officer. As to his origin, there is much doubt. He may have been the original supervisor of the four *scrinia*, of which he now had charge, or else he may have developed from the *vicarius a consiliis sacris*,⁴ the subordinate of the *praepositus consiliis sacris*, who must have presided over the *consistorium* before the *quaestor sacri palatii* had been made an *illustris*.⁵ Whoever first held the office began at once to antagonize the *praefectus praetorio*. As a result, during the fourth and the fifth centuries, many of the powers of the members of the *consistorium* and particularly of the *praefectus praetorio* were transferred to, or at least participated in by the *magister officiorum*. It seems, also, that the *magister officiorum* was regularly promoted from the position of *quaestor* and was for that reason always ready to help the latter.⁶ It was only in 372 A. D., however, that the *magister officiorum*, together with the *quaestor sacri palatii*, *comes sacrarum largitionum*, and *comes*

¹ Lyd., II, 25. This officer was called *magister officiorum* because he was at the head of all the *officia* or official bodies resident in the palace.

² C. Th., XVI, 10, 1; XI, 9, 1.

³ C. Th., I, 8, 3.

⁴ CIL., VI, 1704. Nuove Mem., 1865, p. 328.

⁵ Schil., II, pp. 66, 101, 105.

⁶ Var., I, 12, 13; IX, 24; VI, 6.

rerum privatarum, began to be ranked above the proconsuls.¹ He was still of the rank *spectabilis* in 378 A. D.,² and finally became an *illustris* in 384 A. D.³

2. The *magister* had complete charge of the discipline of the palace, and judged all who served the emperor and his court. As a remnant of his military origin, he had command of the *scholares*, household troops established by Constantine.⁴ They were divided into five *scholae*, so called because they had a hall in the royal palace, where they were to hold themselves in readiness for instant service.⁵ They were composed at different times of Germans,⁶ of Armenians, and of Isaurians, and were always cavalry troops.⁷ The five different *scholae* consisted, respectively, of *scutarii* and *gentiles*,⁸ *sagittarii*,⁹ *clibanarii*,¹⁰ or as sometimes called, *cataphracti*¹¹ (with whom the Romans first became acquainted in the wars with Antiochus and Tigranes¹²), and *armaturae*.¹³ In the Orient they numbered in all 3500; they were increased to 5500 by Justinian, and later to 10,000.¹⁴ The *scholares* were commanded by *comites* of the rank *spectabilis*,¹⁵ and by *tribuni*; they became members of the body only through special permission of the emperor,¹⁶ and were divided into various subdivisions such as *centenarii*, *du-*

¹ C. Th., VI, 9, 1. C. J., XII, 6, 1.

² C. Th., VIII, 5, 35.

³ C. Th., VII, 8, 3. CIL., VIII, 989.

⁴ C. Th., XIV, 17, 9.

⁵ Hermes, 1889, Vol. 24, p. 222.

⁶ Ammian., XX, 8, 13.

⁷ Hermes, l. c., p. 223, note 4.

⁸ Ammian., XX, 4, 3; XX, 8, 13. CIL., V, 4369. O.-H., 3543.

⁹ Dig., I, 6, 7. Hist. Aug., Alex. Sev., 56.

¹⁰ Hist. Aug., Alex. Sev., 56. Ammian., XVI, 10, 8; XVI, 12, 22. Lyd., I, 46.

¹¹ Hist. Aug., l. c. Ammian., XVI, 10, 8. CIL., III, 99. O.-H., 3383; cf. CIL., III, 10307. Notizie, 1890, p. 343, 9.

¹² Mommsen, Hist., Bk. III, ch. 9.

¹³ CIL., X, 3344. O.-H., 3300. Wilm., 1690. Ammian., XIV, 11, 21; XXVII, 2, 6; cf. CIL., III, 1663, 3336. O.-H., 6794. Wilm., 1488, line 11. Borghesi, Ann. Ist., 1839, p. 131. Notizie, 1890, p. 340, 5, and p. 343, 7.

¹⁴ Lyd., II, 24.

¹⁵ C. J., XII, 29 (30), 1. For *tribuni*, Ammian., XX, 2, 5; XV, 5, 6.

¹⁶ C. J., I, 31, 5.

cenarii and *senatores*.¹ Over all these, the *magister* had both civil and criminal jurisdiction.

3. The *magister* had charge of the inspection and the defence of the boundaries, jurisdiction over the appeals from sentences passed by *duces* over their subordinate officers² (in the time of Justinian, together with the *quaestor sacri palatii*³), and control of the various camps, concerning whose number he had to make a yearly report,⁴ and of the ships that guarded some of the boundaries of the empire, as, for example, those of the river Danube.⁵ The great arsenals of Italy, those at Concordia, Verona, Mantua, Cremona, Ticinum and Lucca, and those scattered in the other large cities of the empire, all received their orders from the *magister officiorum*.⁶ It will be noticed that the cities mentioned by the Notitia as being thus provided with arsenals, are all in the regions of the Euphrates, the Rhine, and the Danube,—in places where the rough material that was necessary, iron and wood, was at hand in great abundance.⁷ The management, however, was centralized in the two capitals, under a *scrinium fabricarum* governed by *subadiuvae* and containing many accountants,—*chartularii*, from among whom were chosen those who were to inspect the factories.⁸ The entire administration was very strict, and arms could not be made outside the factories, nor could they be sold to private persons.⁹ Consequently, the *corpus* of *fabricenses*, makers of arms of all kinds,—arrows, shields, swords, cuirasses,—came under the power of the *magister officiorum* also, though at times they were under a municipal officer.¹⁰ Later, in the Occident, the *fabricenses* were under the authority of the *praefectus prae-*

¹ C. J., XII, 29 (30), 1. Nov. Th., 21. Will., p. 555.

² C. J., XII, 59 (60), 8.

³ C. J., VII, 62, 38.

⁴ C. J., I, 31, 4; I, 46, 4. Nov. Th., XXIV, 1, 5.

⁵ Karl., p. 849.

⁶ Not. Dign. Or., ch. X. Occ. ch., VIII. The largest was at Verona. Hodg., p. 36; cf. trans. of Variae.

⁷ Goth. ad C. Th., X, 22, 2.

⁸ J. Nov., 85, ch. 3.

⁹ C. Th., VII, 8, 8; X, 22, 3. C. J., XI, 10, 7.

¹⁰ Ammian., XXXI, 6, 2. J. Nov., 85, ch. 3. C. J., XI, 10, 6.

torio,¹ while in the Orient they remained under that of the *magister officiorum*.² They could not abandon their profession, and were compelled to bring their children up in the same trade; they were branded on the arm, and were indissolubly tied to their social position, all due to the fact that the manufactory of arms was a state monopoly.³ And yet, in view of their organization into a *corpus*, they were exempt from certain municipal charges, and if any member died intestate, his property was inherited by his colleagues.⁴

4. The *magister* was the person to whom recourse was had for obtaining an imperial audience. The actual entrance into the audience-chamber was under the direction of the *officium admissionis*, or *admissionum*, composed of *admissionales invitatores*,⁵ under a *magister admissionum*⁶ and *proximus admissionum*,⁷ all subordinate to the *magister officiorum*. The *magister* procured audiences for the senators, and, naturally enough, received and introduced the ambassadors of foreign powers,⁸ and the free-passes for the use of the *cursus publicus* were procured for them by him.⁹ This power over the embassies carried with it a great deal of responsibility; for we read that on one occasion German ambassadors, because they had been ill-treated by the *magister officiorum*, on their return home incited a great many tribes to make war upon the Roman people.¹⁰

5. The matter of free passes introduces us to the great cause of contention between the *magister officiorum* and the *praefectus praetorio*,—the control of the *cursus publicus*. This *cursus publicus* was a system established by Augustus on all the military roads for the sake of rapid intercourse between Rome and

¹ *Variae*, VII, 18, 19.

² *Th.*, II, Nov., 6. *J. Nov.*, I. c.

³ *C. J.*, XI, 10 (9), 6, 5. *C. Th.*, X, 22, 4.

⁴ *Th. Nov.*, II, 13.

⁵ *Hist. Aug.*, *Alex. Sev.*, 4. *C. J.*, XII, 59 (60), 10.

⁶ *Ammian.*, XV, 5, 18. *CIL.*, XI V, 3457.

⁷ *Ammian.*, XXII, 7, 2.

⁸ *Var.*, VI, 6; X, 33. *Ammian.*, XXVI, 5, 7; XIV, 7, 11; XXVIII, 1, 25.

⁹ *Var.*, VI, 6.

¹⁰ *Ammian.*, XXVI, 5, 7.

the most distant provinces.¹ It was at first in charge of the *curatores viarum*; under the Flavian emperors, a freedman was in charge, the *tabularius a vehiculis*; under Hadrian an equestrian, the *praefectus vehiculorum*, the same being true under Septimus Severus.² The system consisted of relays of post-horses, *veredi*, kept at towns along all the highroads in *stationes* that were at intervals of a day's march, though in the more populous districts, at intervals of from five to nine miles. There were also stations called *mansiones*; these were the larger and more important *stationes*, having about forty horses and a large *familia* attached to them.³ Between every two *mansiones* there were from six to eight relays, or *mutationes*.⁴ The burden of this system had at first been borne by the inhabitants of the towns through which the roads passed, but Alexander Severus permanently transferred it to the imperial treasury.⁵ The *stationes* were under the charge of public officials called *manicipes*, *procuratores* or *praepositi cursus publici*,⁶ and the horses were at the disposal of all who could present a properly signed letter of *evectio*, an improper use of the post-horses bringing a heavy fine.⁷ In the chapter on the *praefectus praetorio*, we have traced the history of the control of the *cursus publicus* up to the time when it remained in the hands of only the *praefectus praetorio*, *magister officiorum* and the emperor.⁸ When objections were made on account of the abuse of the *cursus publicus*, men were told to communicate with the *praefectus praetorio* and *magister officiorum*, who were to see to it that nobody used the public horses except regularly commissioned

¹ Suet., Aug., 37. Cic., de Leg., III, 8; ad Att., XV, 11.

² Hudemann, p. 224. CIL., III, 4802; V, 5797; VI, 1624. Hirsch., pp. 109-114.

³ Hudemann, pp. 65-98, 114-121. Parker, ch. 8. Dar. and Saglio.

⁴ C. Th., VIII, 6, 1. C. J., XII, 52. Sym., VII, 32.

⁵ Lanc., Anc. Rome, pp. 224, 245.

⁶ C. Th., VI, 29, 9; VIII, 5, 23, 35, 36. Hudemann, pp. 65, 66, 138, 160. CIL., X, 7200.

⁷ C. Th., VIII, 5, 59. Hudemann, pp. 37, 42, 49, etc.

⁸ C. Th., VIII, 5, 8, 9.

agents.¹ But this joint control could not long continue; the jealousy between the two officers was always intense and was continually getting stronger.² At first the *praefectus praetorio* seemed to be more powerful; but after the fall of Rufinus, the *praefectus praetorio Orientis* in 395 A. D., his power diminished. Still, because the *praefectus praetorio* remained responsible for the food of the post-horses, and because it seemed unjust that another should issue all the *evectiones*, a partial control of the *cursus publicus* was allowed to the *praefectus praetorio*.³ But the *magister officiorum* retained the superior supervision.⁴ For a subordinate of the *magister officiorum*, afterwards known as *curiosus cursus publici*, was appointed to investigate why *evectiones* were issued by the *praefectus praetorio*; and, in addition, no permit could be issued by the latter without first having the countersignature of the *magister officiorum*.⁵

6. The *magister* also commanded the *schola* of *agentes in rebus*,⁶ first mentioned in 319 A. D.,⁷ who were sometimes called *palatini*.⁸ These were the original *milites frumentarii*, part of the *milites peregrini*,⁹ under the command of the *praefectus praetorio*, who, though originally in charge of the corn supply of the troops, towards the beginning of the second century A. D., had become secret police agents, spies and informers, and consequently very important agents in the Christian persecutions. They were suppressed by Diocletian,¹⁰ and replaced by the *agentes in rebus*.¹¹ These, as their prototypes,

¹ Var., IV, 27.

² Lyd., III, 25.

³ C. Th., VIII, 5, 12. Lyd., II, 10. Sismondi, pp. 182, 183.

⁴ C. Th., VIII, 5, 9; VI, 29, 6, 8.

⁵ Lyd., II, 10; II, 26.

⁶ Var., XI, 35. De Rossi, 997. O.-H., 3181.

⁷ C. Th., VI, 35, 3.

⁸ C. Th., VI, 28, 3, 6. Var., VI, 6; XI, 35.

⁹ Bull. Ist., 1851, p. 119. Lyd., II, 26; III, 7. De Mens., I, 26; cf. Lyd., de Mag., III, 12, 23, 24, 40.

¹⁰ Aur. Vict., Caes., XXXIX, 44, 45.

¹¹ Lanc., Ruins, p. 336. Bull. Ist., 1851, p. 113; 1849, p. 34. Hudemann, pp. 81-83.

were messengers of the emperor, swarming through all the provinces of the empire, and performing various missions as the special messengers of the cabinet, thus earning the name of *devotissimi*.¹ At first their number was not defined; but in 430 A. D., in the Orient they numbered 1174,² and were increased by Emperor Leo (457-474) to 1248.³ It was from among the higher two classes of these *agentes* that the central administration recruited men to be the chiefs of bureau for the *vicarii*, *comites*, *duces* and even governors of provinces.⁴ This was done for the double purpose of serving the officers named and of keeping a watchful eye on their movements. Through these messengers the *magister officiorum* was the partaker of all the counsels of the emperor, and held a general supervision over the *cursus publicus* in the provinces. For, after serving some time as *agentes*, these men might be appointed *curiosi* or *curagendarii*, that is, inspector of the postal service for a year.⁵ In case anything wrong were done with the post-horses, even with the excuse of being on the emperor's service, the *agentes in rebus* were to report the fact to the *curiosi* who happened to be in charge of the *cursus publicus* in that province.⁶ These *curiosi*, ordinarily two for each province, made reports to the emperor concerning all that was of public interest,⁷ and had the power of bringing in accusations before the governors of provinces,⁸ and even of imprisoning, though they were warned to be careful in this respect.⁹ Indeed, there was danger of the *curiosi* themselves being open to bribery; and, for this reason, they were removed at one stroke from the province of Africa

¹ C. J., XII, 21 (22), 7, 8.

² C. Th., VI, 27, 23.

³ C. J., XII, 20, 3.

⁴ Mommsen, E. E., V, p. 625 seq.

⁵ C. Th., VI, 29, 2, 3, 4, 5, 8, 9. C. J., XII, 22 (23), 2, 3; XII, 50 (51), 4.

⁶ C. J., XII, 22 (23), 2. Lyd., II, 10, 26; III, 23, 40.

⁷ C. Th., VI, 29, 2, 4, 10.

⁸ C. Th., XVI, 2, 31.

⁹ C. J., XII, 22 (23), 1.

in 414 A. D.,¹ the same thing happening in Dalmatia in the following year.²

7. The *agentes* were divided into five classes. The highest of these were the *ducenarii*, forty-eight in number,³ and the *centenarii*, 200 in number.⁴ These two classes were destined to furnish men to become chiefs of bureaux. Then came the *biarchi*, 250 or more in number,⁵ destined to the service of the provisions; the *circitores*, 300 in number, who did guard duty;⁶ and the *equites*, 450 in number. No one could become a *ducenarius* or *centenarius* who had not previously passed through the lower grades,⁷ and no one could be placed on the roll of the *agentes* (which was kept by the *scrinium memoriae*), except by special permission of the emperor.⁸ Over all these *agentes* the *magister officiorum* judged, but only when they were in the capital; for when, on account of duty, they were in the provinces, they were judged by the ordinary judges.⁹ At the end of their service these *agentes*, as well as the other members of the staff of the *magister officiorum*, with the consent of the emperor received the title of *principes*, and took their place at the head of the organization,¹⁰ with the rank of *clarissimi et spectabiles*.¹¹

8. Another very important power of the *magister officiorum* was that which he exercised over the imperial *scrinia*, four in number, whose chiefs, the *magistri scriniorum*, were placed under the supervision of the *magister officiorum* in the time of Diocletian.¹² The *scrinia* handled all the correspondence of the emperor that did not fall to the lot of the *tribuni* and *notarii*. The *scrinium memoriae*, which first appeared under Caracalla, was composed of 62 men and 12 *adiutores* under a

¹ C. Th., VI, 29, 11.

² C. Th., VI, 29, 12. Dill, p. 198.

³ C. J., XII, 20, 3. CIL., X, 7200. O.-H., 3181. C. Th., I, 9, 1; VI, 2, 21.

⁴ C. J., I. c. C. Th., I. c. and VI, 27, 7. CIL., III, 8712.

⁵ C. J., I. c. C. Th., I. c. CIL., III, 3370. O.-H., 6734. Wilm., 1649.

⁶ C. J., XII, 20, 3.

⁷ C. J., XII, 20, 3; cf. I, 31, 2, and C. Th., I, 9, 2.

⁸ C. Th., VI, 27, 4. C. J., XII, 20, 2.

⁹ C. J., XII, 20, 4.

¹⁰ Var., VI, 6. Manso, p. 350; cf. C. Th., VI, 28, 3. C. J., XII, 21 (22), 1.

¹¹ C. Th., VI, 27, 5, 6; VI, 28, 7. C. J., XII, 22, 3, 5, 6.

¹² C. J., XII, 19, 12. B.-L., p. 165.

magister memoriae, sent out the *acta* prepared by the *scrinia epistolarum* and *libellorum*, and preserved answers to petitions.¹ The *scrinium epistolarum* was composed of 34 men and 7 *adiutores* under a *magister epistolarum et consultationum*, and handled the official correspondence with generals, judges, governors and foreign states.² The *scrinium libellorum*, same in composition as the preceding, was under a *magister libellorum et sacrarum cognitionum*, and had charge of dispatching the petitions sent in to the emperor.³ Finally, the *scrinium dispositionum*, under the *magister provisionum ac dispositionum*, took care of all the archives, laws, and decrees of the emperor, and issued orders to provide for his comfort while travelling.⁴ Besides the *magistri*, the first three *scrinia* had a first assistant, the *proximus*, and a second assistant, the *melloproximus*.⁵ As to rank, the *magistri* of the first three *scrinia* were *spectabiles*,⁶ while the *magister dispositionum*, sometimes *comes dispositionum*, and the *proximi* of all the *scrinia* were *clarissimi*.⁷ Later, however, the *proximi* and also the *magister dispositionum* received the rank of *spectabilis*.⁸ Of the remaining members of the *scrinia*, the *exceptores* and the *melloproximi* were *clarissimi*.⁹

9. Among the minor subordinates of the *magister* were the *lampadarii*, divided into three classes and under *primicerii*, who either lighted the lamps of the royal palace or carried lamps before the emperor and empress and some of the other

¹ Willems, p. 555. Tissot, C. J., I, 30, 3. Not. Dign. Or., p. 275. Goth. ad C. Th., IV, 17, 2. CIL., VI, 510; XII, 1524. O.-H., 2352. Wilm., 110. The *mag. mem.* may represent the earlier *mag. studiorum*. CIL., VI, 1704. Nuove Mem., 1865, p. 329.

² CIL., VI, 1. c. O.-H., 1. c. Wilm., 1. c. CIL., III, 5215, 431. *Legationes civitatum* (C. Th., XII, 2. C. J., X, 63), *consultationes et preces* (C. Th., I, 2. C. J., I, 19, 23), *tractat*. Goth. *consultationes sunt relationes iudicum ad principem*, etc. C. Th., XI, 29, 30. C. J., VII, 61, 62.

³ CIL., V, 8972; VI, 8615; XII, 1524, and 11. cc. Not. Dign. Or., pp. 50, 275. Ammian., XX, 9, 8. C. J., VII, 62, 32, 4. *Cognitiones et preces tractat*.

⁴ Not. Dign. Or., p. 237. CIL., VI, 1751. O.-H., 6418. Wilm., 1234. For the numbers, C. J., XII, 19, 10, 13. C. Th., VI, 26. Schil., II, pp. 102, 103. Karl., p. 837.

⁵ C. J., XII, 19, 1, 5, 6, 7. C. Th., VI, 26, 16. J. Nov., 35.

⁶ C. J., XII, 9. C. Th., VI, 11. Seeck, p. 161.

⁷ C. Th., VI, 26, 2, 4, 10. C. J., XII, 19, 1.

⁸ C. J., X, 32 (31), 66.

⁹ C. Th., VI, 26, 16. C. J., XII, 19, 5.

great dignitaries on solemn occasions;¹ the *mensores*, who were those in charge of the finding of apartments during the travels of the emperor, and of the various divisions to be made so as to accommodate the emperor and his suite;² the *cancellarii*, who seem to have been assistants at judicial proceedings;³ and the *statores*, under a *princeps*,⁴ *comes*⁵ and a subordinate *tribunus stabuli*,⁶ whose duty it was to examine and to make a choice of the horses which were furnished for the emperor's use.⁷ No provincial governor could assume office without the consent of the *magister officiorum*, and some of the appeals from these came to him. He seems to have had nothing to do with financial matters, except appointing *peraequatores* to settle upon the price of provisions in the capital, and a judge to attend to this matter.⁸ As an assistant, the *magister officiorum* had the *adiutor magistri*, a man of the rank *spectabilis*.⁹

10. From all that has been said, it is evident that the task of *magister officiorum* was a very complex one. As regards the *scholares* and arsenals, he was a sort of secretary of war; as regards the reception of ambassadors and their whole management, a secretary of the foreign affairs; as regards the *cursus publicus* and the *agentes*, a post-master general; and as regards the *scrinia*, a keeper of the archives. In fine, it was an office of which the *praefectus praetorio* might well be jealous.

¹ Not. Dign. Or., p. 214, 236. Seeck, p. 32. Du Cange, s. v., CIL., VI, 8867-8869. O.-H., 2930, *candelabarius*, 4157. Wilm., 2581.

² Walter, par. 364. C. Th., VI, 34, 1; VII, 8, 4, 5; cf. C. J., XII, 41, 1, 2. The *mensores* of CIL., V, 5315; VI, 198, 8911-8913, doubtful.

³ Var., XI, 6. Walter, par. 364. Willems, p. 555.

⁴ CIL., V, 1880.

⁵ CIL., VI, 1731. O.-H., 1134; cf. 3357 and note.

⁶ Ammian., XXX, 5, 19; cf. *centenarius*, CIL., V, 374.

⁷ C. J., XII, 25. C. Th., VI, 31. Sym., X, 51, 58.

⁸ Var., VI, 6. Manso, p. 350.

⁹ C. Th., VI, 27, 20, 21. C. J., XII, 21 (22), 5. CIL., VIII, 989.

CHAPTER VIII.

THE QUAESTOR SACRI PALATII.

1. In the earliest periods of Rome there were general quaestors whose duty it was to help the consul in the management of the treasury. Their number was gradually increased, and Augustus attached one of them to his own person, entrusting to him the duty of reading to the senate his letters and other communications.¹ In this respect he was followed by Claudius, by Nero, who employed a consul for this purpose,² and by Vespasian, who employed his son Titus in place of the quaestor.³ Later, when the quaestors were appointed and chosen by the emperors themselves, they were called *quaestores candidati*,⁴ or *quaestores Augusti* or *principis*.⁵ They continued to read messages for the emperors, and, as the emperors' letters came to have more and more the force of laws and edicts, the quaestor, on the other hand, came to be considered as a legal officer connected with civil jurisprudence. When Constantine became emperor, he created a *quaestor sacri palatii*,⁶ who, if not actually developed from the *quaestor Augusti*, certainly did perform just such services as described, carried, however, to their logical conclusion. The idea of closeness to the emperor must have had its origin there, for he was now in constant and intimate communication with the emperor; and the fact that, while the *quaestor Augusti* was a rather insignificant position and only the first in the series of a long career, the *quaestor sacri palatii* was one of the highest officers of the court, does not really con-

¹ Suet., Aug., 65. Tac., Ann., XVI, 27.

² Suet., Nero, 15.

³ Suet., Tit., 6. Madvig, I, p. 562.

⁴ Dig., I, 13, 1, 4.

⁵ CIL., III, 550, 551; XIV, 4237, 4240, 4242.

⁶ Zos., V. 32.

tradict such an hypothesis,—for the change in this case is surely not nearly so great as that which took place in the case of the *praefectus praetorio*.¹ The quaestor is now known as *comes et quaestor*,² *comes ordinis primi intra consistorium et quaestor*,³ *quaestor intra palatium*,⁴ *quaestor nostri palatii*,⁵ *quaestor aulae*,⁶ and often merely *quaestor*.⁷ He became an *illustris* in the latter part of the fourth century.⁸ As regards his relations with the *magister officiorum*, he is sometimes mentioned as his superior⁹ and sometimes as his inferior,¹⁰ in one case it being actually said that a *quaestor sacri palatii* was promoted to the office of *magister officiorum*.¹¹ The duties of the quaestor required him to be beyond all other ministers the mouthpiece of the sovereign, and to be the man to suggest to the emperor whatever would be for the welfare of the state.¹² He was the sharer of the emperor's counsels,¹³ and had the right of dictating laws and of receiving and answering petitions addressed to the emperor,—*leges dictandae et preces*.¹⁴

2. The former of these two was undoubtedly the more important. The laws were prepared by the *quaestor sacri palatii* together with the other high officials of the empire (the *consistorium*), and were then submitted to the deliberation of the senate.¹⁵ After passing the senate, the law was read in the *con-*

¹ Cf. Mommsen, *St.*, II, p. 570, note 3. Schil., II, p. 66. *Nuove Mem.*, 1865, p. 328.

² *C. Th.*, I, 8, 1, 2.

³ *CIL.*, VI, 1764. *O.-H.*, 3192.

⁴ *CIL.*, VI, 1782. *O.-H.*, 1188. *Wilm.*, 645a.

⁵ *C. J.*, VII, 62, 32. *J. Nov.*, VIII, ch. 7.

⁶ *CIL.*, VI, 1783. *O.-H.*, 5593.

⁷ *Var.*, V, 3; VI, 5; VIII, 13, 14, 18, 19; IX, 24; X, 6, 7; cf. *Ex-quaestor*, de Rossi, 844.

⁸ *C. Th.*, VI, 9, 1.

⁹ *C. Th.*, VI, 9, 1, 2; VI, 26, 17; XI, 39, 5. *C. J.*, XII, 6, 1; XII, 8, 2.

¹⁰ *C. Th.*, I, 8, 1; XI, 18, 1; cf. order of the *Not. Dign.* *C. J.*, XII, 40, 10; III, 24, 3.

¹¹ *Var.*, I, 13.

¹² *Var.*, VIII, 13.

¹³ *Sym.*, I, 17.

¹⁴ *Not. Dign.*

¹⁵ *Willems*, p. 552.

sistorium,¹ then written and recorded in the imperial *scrinium*.² It was then presented to the emperor for his signature, and the dating (including the year, day and place) was written upon it in purple ink which was reserved for the use of the emperor.³ It was at this point that the real work of the quaestor began. Though in the preparation of the law he had already been consulted, as was done whenever the emperor was in doubt,⁴ his duty was now to give a final revision to the law,—see that it was consistent with the existing laws and with previous enactments. When satisfied as to these several points, he countersigned the law, sent it to the *comes dispositionum* for preservation, and then for the first time he communicated it to the cities and provinces.⁵ It is evident that the main requisite for such a position was that the quaestor should be a trained jurist; a man who consecrated his time to the study of the laws, and who was fitted to be an exact and just interpreter of them.⁶

3. The quaestor also replied to the petitions sent in to the emperor. In delivering the answer to these petitions, the quaestor had to add the phrase *si preces veritate nitantur*, that is, if the petition is consistent with the truth.⁷ Only with the addition of this phrase was the rescript valid.⁸ For, if the quaestor did not add this clause, both he and the judge who, notwithstanding its omission, had executed the rescript, were censured, and the *memoriales* and *adiutores* were actually deprived of their dignity.⁹

4. As a judge, too, the quaestor had considerable power. The senate (of which he was a member)¹⁰ and even the prov-

¹ C. J., I, 14, 8.

² C. Th., IX, 19, 3.

³ C. J., I, 23, 6. Thompson, Gr. and Lat. Pal., p. 51.

⁴ Var., VI, 5.

⁵ Var., X, 6.

⁶ Var., V, 3, 4. Walter, par. 365. Manso, p. 350. Rudorff, I, 206, 207.

⁷ C. J., I, 23, 7.

⁸ Cf. J. Nov., 114, ch. 1.

⁹ C. J., I, 23, 7. C. Th., I, 2. B.-H., III, par. 137, p. 90.

¹⁰ Var., VIII, 19.

inces sought from him the aid of the law.¹ In the case of the provinces of the East, the appeals which came from the decisions of the proconsuls, the *praefecti Augustales*, the *comes Orientis* and the *vicarii*, all men of the rank *spectabilis*, and which were primarily judged by the *praefectus praetorio Orientis*, were under the supervision of the *quaestor sacri palatii*, a scheme which was, probably, intended as a check upon the immense judicial powers of the former.² In the time of Justinian, the quaestor shared in the power of deciding appeals brought from the decisions of the *duces*, which regularly went to the *magister officiorum*.³ Again, if any matter had been submitted to the entire council, it was decided that if only ten pounds of gold were at stake, only one *illustris* should decide the case; if twenty pounds, two *illustres*; and if, in this latter case, the two should not come to some agreement, the *quaestor sacri palatii* was to be admitted into the question and was to have the deciding vote.⁴ Or if any special power had been delegated to a judge, and this one, being in doubt, had sent to the emperor for advice as to the decision to be rendered, the answer was sent back by two *illustres* and the quaestor.⁵ This answer was final and without appeal, and was given whether the parties to the case were present or absent, although in earlier times they could not be present to defend their case, but were permitted to come to the palace and solicit the decision after the lapse of one year.⁶

5. In the Orient, the *laterculum minus* was under the charge of the quaestor and of the *scrinium memoriae*. In this *laterculum* were contained military officers of a distinctly inferior rank, such as the majority of the commanders of *alae* and the commanders of the cohorts, in all 122 officers.⁷ It is not to be

¹ Var., VI, 5.

² C. J., VII, 62, 32.

³ C. J., VII, 62, 38; cf. XII, 59 (60), 8.

⁴ C. J., VII, 62, 37, 39; cf. VII, 64, 10; III, 1, 10; III, 24, 3. C. Th., II, 1, 9; XI, 30, 16. Schil., II, p. 65.

⁵ C. J., VII, 62, 34; cf. I, 14, 12. C. Th., XI, 29, 1. Not. Dign. Or., p. 275.

⁶ B.-H., III, par. 137, and references given there.

⁷ Momm., Neues Archiv, Vol. 14, 1888-1889, pp. 453-459. The *laterculum majus* contained all the superior civil and military officers, and was under the charge of the *primicerius notariorum* (Not. Dign. Or., ch. 16, p. 268. Occ., ch. 15).

wondered at, therefore, that the *magister militum praesentalis* encroached upon the rights of the quaestor. And so, by a law of 415 A. D., only forty *praefecturae*, *tribunatus* and *praepositurae castrorum* were put at the disposition of the quaestor.¹ Later, in 424 A. D., the old order of things was reëstablished, and full powers were again given to the quaestor.² The quaestor had no *officium*, but the *magister officiorum* provided him with as many secretaries as he needed, perhaps the twelve *adiutores* from the *scrinium memoriae*, and the seven from the *scrinium epistolarum* and the *scrinium libellorum*,³ thus proving again his close connection with the *magister officiorum*. The *quaestor* also had audiences with ambassadors of foreign states, and through these he, in the name of the emperor, sent written replies to the nations and sovereigns whom they represented.⁴ It was the position which required the incumbent to do most of the writing of the emperor, and the position in which Cassiodorus wrote most of his *Variae*.

6. The quaestor also had the supervision over all those who entered the capital. He was to make inquiries into the character of all those who came from the provinces, find out from what provinces they came and for what reason; if these persons were farmers and had no valid reason for remaining in the city, they were sent back to their farms.⁵ If a large number of farmers came to the capital, to complain against the tyranny of their masters, all were sent back with the exception of a few, who remained to carry on the trial.⁶ If the judges to whom such trial had been delegated could not agree on the decision to be rendered, the quaestor decided for himself.⁷ Beggars coming to the city were set to work by the quaestor, and if they did not obey his commands, were expelled from the capital, severe pun-

¹ C. Th., I, 8, 1; cf. Tableau, p. 436.

² C. Th., I, 8, 2, 3. C. J., I, 30, 1, 2.

³ Cf. numbers given in C. J., XII, 19, 10, 13. Not. Dign. Or., p. 40. J. Nov., 35, mentions 26 *adiutores*. Tableau, p. 375. Karl., pp. 833-834. Willems, p. 556.

⁴ Hodg., p. 14. Var., V, 3, 4; X, 6. Manso, p. 350.

⁵ J. Nov., 80, ch. 1.

⁶ J. Nov., 80, ch. 2.

⁷ J. Nov., 80, ch. 3.

ishment awaiting them if they should endeavor to return.¹ It is evident that these laws were intended to prevent the depopulation of the country by the farmers who were attracted by the splendor of the imperial city, and also to prevent the crowding into the city of a large number of worthless men. In carrying out these functions, however, the quaestor must have acted in concert with the *praefectus urbis* and with the subordinate of the latter,—the *praefectus vigilum*.

7. The office of the quaestor was, metaphorically, called the “mother of all dignities” and “the true mother of the senatorial dignity”;² and its powers were summed up as follows: “the giver of laws to the world, of answers to petitions, and the ennobler of the oracles of the emperor by eloquence.”³

¹ J. Nov., 80, ch. 4, 5, 9.

² Var., V, 4; VI, 5; VIII, 19, *genetrix omnium dignitatum, nostrae linguae vox*.

³ Claudianus, *Panegyricus dictus Manlio Theodoro, Consuli*, l. 34 seq., *terris edicta daturus, supplicibus responsa, venis; oracula regis eloquio crevere tuo*. Not. Dign. Or., p. 247.

CHAPTER IX.

THE COMES SACRARUM LARGITIONUM.

1. The office of the *comes sacrarum largitionum* was one that underwent a very extensive change, both as to the name or title of the incumbent, and as to the powers attached thereto. At first, in the time before Hadrian, the officer was called simply *a rationibus*;¹ after Hadrian the officer became a man of the equestrian order, with the title of *procurator a rationibus*;² under Marcus Aurelius, the name became *rationalis*, while that of the subordinate officer became *procurator summarum rationum*.³ Still another change took place, and under Diocletian and Constantine, the title of *vir perfectissimus rationalis summarum rationum* or *summae rei* is found.⁴ Finally, in the middle of the fourth century (during the reign of Constantius II.), the title was once more changed, this time to *comes sacrarum largitionum*, the name originating from the fact that they superintended the largesses of the emperor.⁵ The first full mention of the name occurs in 361 A. D.⁶ In 372 A. D. he was raised above the proconsuls,⁷ and after 390 A. D. he was an *illustris*,⁸ but an *illustris* of the third rank.⁹ The name of this officer was not of a constant form, for there are found

¹ CIL., VI, 8409-8431; IX, 2438.

² CIL., VI, 1599, 1620, 1625, 1626; IX, 5440. Marq. St., II, p. 309.

³ CIL., VI, 1564, 1598; X, 1785; III, 5121. O.-H., 5412, 6525; cf. Hirsch., Unter., pp. 30-40.

⁴ CIL., VI, 1145, 1132, 1701, 1704, 1121. *A rationibus* is still found; VI, 1120.

⁵ C. Th., XII, 1, 30; XI, 7, 5. C. J., I, 32. Lyd., II, 27. B.-L., p. 253. B.-H., III, par. 134. Schil., II, p. 74. Var., VI, 7.

⁶ Ammian., XXII, 3, 7.

⁷ C. Th., VI, 9, 1.

⁸ Karl., p. 842. Ruggiero, s. v., *comes*. Schil., II, 77.

⁹ C. Th., VII, 8, 16; XII, 18, 1.

sacrarum remunerationum comes,¹ *largitionum comes*,² *largitionum nostrarum comes*,³ *aerarii nostri comes*,⁴ *comes aerarii* or *sacri aerarii*,⁵ and simply *comes sacrarum*.⁶ In courtesy, he is addressed as *magnitudo*,⁷ *magnificentia*,⁸ *praestantia*,⁹ *sublimitas*,¹⁰ *eminentia*,¹¹ *culmen*,¹² *praecellens auctoritas*,¹³ *amplissima sedes*.¹⁴

2. At this time the *sacrarum aerarium*, which, before the time of Septimus Severus contained the public treasure and that of the emperor,—*aerarium* and *fiscus*, was under the supreme charge of the *comes sacrarum largitionum*, who remained at the seat of government. In the provinces, however, the welfare of the treasury was looked out for by subordinates with the title of *comites largitionum*, of whom there was one for each diocese,¹⁵ such as *per Italiam*,¹⁶ *per Africam*,¹⁷ and *per Illyricum*.¹⁸ Subordinate to these *comites largitionum*, were the *rationales summarum*, men of the rank *clarissimus*,¹⁹ appointed to take care of the collecting of the money and taxes either of the whole diocese of the *comes largitionum*, or at least of a great part of it. In any case, he took his name from that par-

¹ CIL., VI, 1749. Dessau, 809. O.-H., 1140. C. J., XII, 43, 2.

² Lyd., II, 27. C. Th., VI, 9, 1.

³ C. Th., X, 1, 13.

⁴ C. J., X, 70, 15. C. Th., XII, 6, 32.

⁵ C. Th., XI, 18, 1; I, 5, 3.

⁶ C. Th., XII, 1, 120. CIL., V, 6253.

⁷ C. Th., VIII, 7, ult.

⁸ C. Th., VI, 29, 10.

⁹ C. Th., XI, 16, 12.

¹⁰ C. Th., VI, 26, ult.

¹¹ C. Th., VI, 30, 15.

¹² C. Th., VI, 30, 23.

¹³ C. Th., IX, 45, 1.

¹⁴ C. Th., X, 20, 16.

¹⁵ Not. Dign. Or., p. 41, 251. Willems, p. 594. Schil., II, 75. B.-H., III, par. 127. Walter, par. 405. Karl., p. 840. Madvig, II, p. 417.

¹⁶ C. Th., I, 10, 8; VI, 10, 16.

¹⁷ C. Th., I, 5, 12. Seeck, p. 148.

¹⁸ Ammian., XXVII, 7, 5. Not. Dign. Occ., p. 46. Seeck, l. c.

¹⁹ C. Th., VI, 22, 3; VI, 28, 2. Not. Dign. Occ., p. 337.

ticular region under his own immediate supervision; thus, the *comes largitionum per Illyricum* had under his command the *rationales summarum Pannoniae secundae, Dalmatiae* and *Saviae*.¹ In one case, we find that the *comes* and the *rationalis* were one and the same person.² These *rationales* judged all cases referring to the *fiscus*,³ in the presence of the *advocatus* or *patronus fisci*.⁴ Appeal from their decision went to the *comites*.⁵

3. The *aerarium sacrarum* took cognizance of the following direct taxes: the *capitatio terrena*⁶ and *humana*,⁷ and the *lustralis collatio*, paid by tradesmen and artisans;⁸ and the following indirect taxes: the *portoria*, or the tax of $12\frac{1}{2}$ per cent. on goods coming into the country;⁹ the *venalitium*, or tax on sales, of $4\frac{1}{6}$ per cent., from which the members of the *sacra scrinia* were excused;¹⁰ the *aurum coronarium*, the tribute of from one thousand to two thousand pieces of gold,¹¹ paid in by the decurions of towns;¹² the *aurum oblativum*, a tribute which, according to a *senatus consultum*, was offered by the senators of the capital on jubilee occasions such as the celebration of the Quinquennalia, Decennalia and Vicennalia;¹³ and the *folles* or *gleba senatoria*, a sum paid in by a man of great family when appointed a senator by the emperor,—a tax established by Constantine, which was abolished by the Emperor

¹ Not. Dign. Occ., p. 47. Seeck, p. 149.

² C. Th., XI, 9, 2.

³ C. J., III, 26, 5.

⁴ C. J., II, 8 (9), 4. C. Th., XI, 30, 18, 41; cf. C. J., XII, 19, 12, 1. CIL., X, 1125; VI, 1704. Var., I, 22.

⁵ C. Th., XI, 30, 21, 28, 45, 49, 68. Sym. Ep., X, 62. Rudorff, II, p. 43.

⁶ Schil., II, pp. 69, 70. Walter, par. 406, 408. Willems, p. 594 seq.

⁷ Schil., II, p. 71. C. J., XI, 47, 23. C. Th., XIII, 10, 6.

⁸ Schil., II, p. 72. Willems, l. c.

⁹ C. J., IV, 61, 7, 8. C. Th., IV, 12, 6, 8. Octavarii vectigal; cf. C. J., IV, 62. Walter, par. 410.

¹⁰ C. J., XII, 19, 4. C. Th., VI, 26, 14.

¹¹ Duruy, Vol. VIII, p. 11.

¹² C. Th., XII, 17. C. J., X, 74.

¹³ C. Th., VI, 2, 8, 11, 15, 20. Sym., X, 26. Schil., II, pp. 39, 40.

Marcian, 450 to 457 A. D.¹ All these taxes the *comes sacrarum largitionum* superintended; and the revenues from the provinces were to be sent in to him by the first of March.² The transportation of it to the ships and to Rome devolved upon a corporation of *bastagarii*, under a *praepositus*,³ which was bound to the fiscus to do this enforced and hereditary work.⁴

4. The subordinates of the *comes sacrarum largitionum* were very numerous.⁵ The *comites commerciorum* or *tribuni maritimorum*,⁶ of whom the Notitia mentions three for the Eastern and one for the Western Empire, had, as their name implies, complete control of the sea-coasts and merchants.⁷ They were assisted by the *curiosi litorum portuumque*.⁸ Merchants could not go beyond certain cities prescribed by law. For in 369 A. D. Valens permitted commerce between the Romans and the Goths on the Danube only in two cities; in 371 A. D. Valentinian for this special purpose built a town in northern Pannonia and gave to it the name of *Commercium*,⁹ while the entire Persian trade was restricted to three cities.¹⁰ The *comites commerciorum* were, therefore, most naturally found in those provinces bordering on the barbarians. If any one received a foreign merchant without the consent of these *comites*, he lost his property and was sent into exile.¹¹ To these *comites* the government granted the exclusive privilege of trading in silk with the barbarians and of selling arms to strangers;¹² and in case of disobedience, confiscation followed.¹³ The trading

¹ Duruy, l. c. Bury, I, p. 41.

² Var., III, 8; VII, 20-22. Manso, p. 389.

³ CIL., VIII, 1322, 14854.

⁴ C. J., XI, 7, 8. C. Th., X, 20, 4, 11. Not. Dign.

⁵ C. J., XII, 24, 7.

⁶ Var., XII, 24.

⁷ Var., VI, 7; cf. C. Th., VI, 2, 12, 13; VI, 4, 31; XII, 6, 24; XIII, 5. Not. Dign. Or., p. 41. Occ., p. 50. Seeck, 35, 152.

⁸ C. Th., VI, 29, 10.

⁹ Dessau, 775.

¹⁰ C. J., IV, 63, 4, 1.

¹¹ C. J., IV, 63, 6.

¹² C. J., IV, 40, 2; IV, 63, 6. Karl., p. 841.

¹³ C. J., IV, 41, 2.

in salt, however, which was a government monopoly,¹ was under the direct superintendence of the *comes sacrarum largitionum*.² The granting of licenses for the working of public salt mines and the resulting revenue were under his control; and whosoever bought or sold salt, either on his own authority or on that of imperial rescripts, had to place upon it the price decided by the *conductores salinarum*.³

5. The *praepositi thesaurorum*,⁴ or *procuratores thesaurorum*,⁵ had as subordinates a number of minor officers called *thesaurenses*, and were in charge of the *thesauri*, the banks in the various provinces in which the money collected in that and in the neighboring provinces was kept until it was sent to the *comes sacrarum largitionum* for consignment.⁶ The word *thesauri* was the general term applied, not especially to that particular place in which the sacred dress and private wealth of the emperor was kept, but in general to any place in which was kept material destined for the *comes sacrarum largitionum*.⁷ The *comes metallorum*,⁸ under whose charge were the *procuratores metallorum*,⁹ had control of the mines and the workers therein,—the *metallarii*.¹⁰ These latter were tied not only to their trade, but also to the place of their birth, to which any one was remanded if he had left it, even if he had managed to be appointed as servant in the royal palace.¹¹ The income both from the gold mines and the marble quarries belonged to the *aerarium*.¹² All who operated the mines had to

¹ Momm., Hist. Rome, bk. II, ch. 2. CIL., VI, 1152. O.-H., 1092.

² Var., VI, 7, 8. Manso, p. 351.

³ C. J., IV, 61, 11.

⁴ Not. Dign. Or., p. 42. Occ., p. 47, 48. Seeck, pp. 36, 149; cf. CIL., VI, 8498.

⁵ Cf. Wilm., 1285. O.-H., 6344. De Rossi, 5. The Notitia does not mention these *procuratores*.

⁶ C. J., X, 23, 1. Karl., p. 840. Schil., II, p. 76.

⁷ Karl., p. 838. Goth. ad C. Th., X, 20, 13.

⁸ Not. Dign. Or., p. 42. Seeck, p. 36. C. Th., X, 19, 3. C. J., XI, 7 (6) 1.

⁹ C. J., XI, 6, titulus; XI, 6, 4. C. Th., I, 32, 5.

¹⁰ C. J., XI, 6, titulus; XI, 6, 1, 4, 7. C. Th., X, 19, 15.

¹¹ C. J., XI, 6, 7. C. Th., X, 19.

¹² C. Th., X, 19, 3, 4, 8, 10, 11, 12. Willems, p. 594. C. J., XI, 7 (6), 1, 2, 3, 5.

pay to the government 8 scrupules per ounce of matter extracted, and the rest was, preferably, to be sold to the government and paid for out of the treasury of the *comes sacrarum largitionum*,¹ the standard used being a pound of 14 ounces.² Those who worked on mines or quarries situated on land belonging to another had to pay one-tenth to the government, one-tenth to the owner, while the remaining eighth-tenths they kept to themselves.³ The coinage was under the charge of the *procuratores monetarum*,⁴ who had control of the *monetarii*.⁵ These *procuratores* were also, naturally enough, in charge of the mints; and so in the Occident there were the *procuratores Siscianae, Aquileiensis, Romae, Lugdunensis, Arelatensis, and Triberorum*.⁶ The *comes* also superintended a body of gold and silver workers or embroiderers, *barbaricarii* or *branbaricarii*, who for the most part decorated the weapons of the court in imitation of embroiderers in cloth. Only six casques were to be so ornamented each month in each of the factories.⁷ The *branbaricarii* themselves were under the charge of *praepositi*.⁸

6. All the various duties that have been thus far described are such as might have been expected of the *comes sacrarum largitionum*. But there are still other powers connected with this office, apparently for the only reason that money was needed for their proper management.

7. The *comes* was the general superintendent of the imperial factories. All the employees of these factories could not be employed in private work,⁹ and were hereditarily tied to their trade, whether they were *gynaeciarii, linyphiarii* or *murileguli*.

¹ C. J., XI, 6, 1, 5. C. Th., X, 19, 3.

² C. J., XI, 6, 2. C. Th., X, 19, 4.

³ C. J., XI, 6, 3. C. Th., X, 19, 8, 10, 11.

⁴ Not. Dign. Or., p. 42. Occ., p. 48. Seeck, pp. 36, 150. CIL., VI, 8464; cf. Wilm., 1255.

⁵ C. J., XI, 7, 1, 7, 13. C. Th., X, 20, 1, 10, 16. Walter, par. 412.

⁶ Not. Dign. Occ., l. c.

⁷ C. Th., X, 22, 1.

⁸ Not. Dign. Occ., p. 50. Seeck, p. 152.

⁹ C. Th., X, 20, 6.

In this, as in many other cases, one can see the tendency of the later Roman Empire,—namely, to fix society by compelling men to follow the occupation of their fathers, thus preventing the free circulation of the different trades and grades of life.¹ All these employees were under the charge of *procuratores*.² The *gynaecii* and *linyphiarii* worked in making the stuffs needed for the use of the emperor and of the palatine officials, and had somewhat of a monopoly in this respect, for, by imperial decree, no one else was allowed to make goods of silk and gold.³ The special duty of the *bafii* was to dye the goods,⁴ for no private person was allowed to dye silk or wool with purple, or to sell stuffs so dyed, or to sell even the dye.⁵ In addition, all silk whether so dyed or not had to be turned over to the emperor,⁶ because silk was reserved for the use of the imperial family.⁷ All these workers, organized into a *corpus*⁸ or *familia*,⁹ were of medium rank; for there were many condemned persons among them and there are constant prohibitions to free-born women against marrying any one of them on penalty of losing their liberty,¹⁰ and to free-born men against marrying the offspring of any one of these on penalty of having the condition of the children follow that of the mother.¹¹ All these workers were kept under a very heavy hand, punishment being provided for those who concealed them in case of an attempt to escape.¹² In connection with these imperial factories, and because the provinces were compelled each year to pay in a canon of military dresses, which had to be collected and dis-

¹ Pelham, p. 194.

² Not. Dign. Or., p. 42. Occ., p. 48, 49. Seeck, pp. 36, 150, 151.

³ C. J., XI, 7, 2; XI, 8, 1. C. Th., X, 20, 13; X, 21, 1, 2.

⁴ C. J., XI, 7, 2; cf. Hist. Aug., Alex. Sev., 40.

⁵ C. J., IV, 40, 1; XI, 8, 3, 5. C. Th., X, 20, 18.

⁶ C. J., XI, 7, 10. C. Th., X, 20, 18.

⁷ C. J., XI, 8, 4.

⁸ C. Th., X, 20, 16. C. J., XI, 8 (7), 13.

⁹ C. Th., X, 20, 7. C. J., XI, 8 (7), 5.

¹⁰ C. J., XI, 7, 3, 7, 11, 12. C. Th., X, 20, 3, 10, 14, 15.

¹¹ C. J., XI, 7, 12, 15. C. Th., X, 20, 17.

¹² C. J., XI, 7, 5, 6. C. Th., X, 20, 6, 7, 8, 9, 2.

tributed, the *comes* had under his charge a *magister lineae vestis* and *magister privatae vestis* in the Orient; and in the Occident, one called *comes vestiarii* (not to be confused with the *comes vestis sacrae*¹), who, together with the *scrinium vestiarii sacri*, performed the duties of both the corresponding officers of the Eastern Empire.²

8. The *comes* also had the power of confirming the appointment of some judges in the provinces.³ He judged *vice principis* in those cases referring to money matters,⁴ and some laws were proclaimed under his authority.⁵ His was the pleasing office of administering the bounties of the emperor,—the *largitiones*, *pecuniae largitates* and *dona regalia*, and to dispense favors and relieve the needy supplicants, a thing which was regularly done on the first of January.⁶ The disposition of the money in charge of the *comes* was entirely dependent upon the good will of the emperor, either in meeting the demands of the various necessities of state, or giving presents, or rewarding those who were obedient to his commands.⁷

9. The *officium* of the *comes sacrarum largitionum* consisted of a great number of *scrinia*, each under the direct supervision of a *primicerius*.⁸ Taken together, these *scrinia* were under the control of a *primicerius totius officii*, who, before 416 A. D., held office for two years, but after that date for one year only.⁹ The *scrinium canonum* received the payments which were yearly paid in by the provinces to the treasury of the *comes*; the *scrinium tabulariorum* consisted of men bound to the service, who kept the papers and accounts of the *sacrae*

¹ C. Th., XI, 18, 1.

² Not. Dign. Or., p. 42. Occ., p. 46. Seeck, 36, 148, 153.

³ Var., VI, 7. Manso, p. 351.

⁴ C. Th., XI, 30, 21, 28.

⁵ C. Th., XI, 12, 4.

⁶ Var., VI, 7.

⁷ B.-H., III, par. 134, p. 71. B.-L., p. 253.

⁸ Not. Dign. Or., p. 42. Occ., p. 50, 51. Seeck, pp. 36, 152, 153.

⁹ C. Th., VI, 30, 14, 21.

largitiones;¹ the *scrinium numerorum*, which in each province was subdivided into two parts, kept the fiscal accounts and supervised the *largitiones*;² the *scrinium aureae massae* kept guard over the masses or ingots of gold which were handed in to the treasury of the *comes*,—given in this form in order that no fraud might be committed by the use of false coins;³ the *scrinium auri ad responsum* had very doubtful duties: it may have been in charge of the gold destined to pay the expenses of carrying the commands of the emperor to the provinces by means of post-horses, or to pay for the corn supply, or it may have been in charge of the gold customarily offered to the emperor by the ambassadors of foreign states and princes;⁴ the *scrinium vestiarii sacri* had under its charge the care and the paying for all the vestments needed in the palace, and also for all those needed for the soldiers, whether they belonged to the palace or not;⁵ the *scrinium argenti* was in charge of the silverware of the palace, whether wrought or unwrought, or of the *massae argenteae* corresponding to the *aureae massae*; and the *scrinium a miliarensibus* took care of the minor coins which were paid out to the soldiers or scattered on festive occasions, and so called because 1000 of them were equal to a pound of gold.⁶ Finally, the Notitia adds a *scrinium a pecuniis*, a *secundocerus officii qui primicerius est exceptorum* and a *tertiocerus officii qui tractat bastagas*; that is to say, the *comes* chose as *secundocerus* of his entire *officium* that man who was the *primicerius* of the *exceptores*, men who wrote out the *acta* and *gesta* in shorthand,⁷ and as *tertiocerus* of his entire *officium* that man who was *primicerius* or rather *praepositus bastagarum*.

¹ C. J., X, 23. C. Th., VI, 30, 2; cf. Not. Dign. Or., p. 255.

² C. J., XII, 50, 4. C. Th., VIII, 1, 12.

³ C. J., XII, 49; XI, 11 (10), 1; X, 72 (70), 5. C. Th., VII, 24, 1; XII; 6, 13.

⁴ C. J., X, 65 (63), 6. C. Th., XII, 12, 15, 16.

⁵ C. J., XII, 40, 1, 3, 4. C. Th., VII, 6, 2, 4, 5.

⁶ Not. Dign. Or., pp. 256, 257. Lyd., de Mens., IV, 9; cf. C. Th., XV, 9, 1. Duruy, Vol. VII, p. 403.

⁷ Var., XI, 25. For *praepositi bastagarum*, Not. Dign. Or., p. 42. Occ., p. 50. Seeck, pp. 36, 152.

CHAPTER X.

THE COMES RERUM PRIVATARUM.

1. The *patrimonium*, after the reign of Hadrian, was under the care of a *procurator Augusti a rationibus*.¹ But the persons in charge were soon increased, so that by the time of Marcus Aurelius, the *patrimonium* was under the very definite management of a *procurator*,² sometimes *procurator a patrimonio*,³ of an *a commentariis rationis patrimonii*,⁴ *tabellarii*,⁵ *tabularii*,⁶ and of *proximi tabulariorum*.⁷ When, after the confiscation of the property of Clodius Albinus and Pescennius Niger and their followers, the *res privata* and the *patrimonium principis* were for the first time clearly distinguished and separated by Septimus Severus,⁸ the person in charge of the former became known as *procurator rationis privatae*⁹ or *procurator rationis summae privatae*.¹⁰ But, as in the case of the *comes sacrarum largitionum*, the name frequently changed. In the latter part of the third century, that is to say, in the reign of Diocletian (284–305), the officer was known as *magister rei privatae*,¹¹

¹ CIL., VIII, 1641. Abbott, p. 362.

² CIL., VI, 8498, 8499.

³ CIL., VI, 8501. O.-H., 6345.

⁴ CIL., VI, 8502, 8503. O.-H., 3205.

⁵ CIL., VI, 8505.

⁶ CIL., VI, 8506, 8507.

⁷ CIL., VI, 8508, 8510.

⁸ Hist. Aug., Sept. Sev., 12. Macrinus, 2, 7. Mittheil., 1886, p. 68.

⁹ CIL., VIII, 8812; III, 1456; X, 6569. O.-H., 5530, 6932. Wilm., 869, 1293, 1294.

¹⁰ O.-H., 2236.

¹¹ CIL., V, 2781 (29); VIII, 822. C. J., III, 22, 5. Wilm., 1295.

or *vir perfectissimus rationalis rei privatae*,¹ or *summae privatae*,² or *praepositus rerum privatarum*.³ Finally, after remaining with these titles all through the reign of Constantine, he received, about the middle of the fourth century (340 A. D.), the still higher title of *comes rerum privatarum*, a title appearing for the first time in 342 or 345 A. D.⁴ He was at first only a *clarissimus*,⁵ and it was not until 372 A. D. that the dignity of this office was, by Valentinian I. (364–375 A. D.), made equal to that of the *magister officiorum*, *quaestor sacri palatii*, and *comes sacrarum largitionum*, and all elevated above the proconsuls.⁶ After 390 A. D., the *comes rerum privatarum* was made *illustris* together with the *comes sacrarum largitionum*,⁷ though both were made *illustres* of the third rank.⁸ His title now had as many forms as that of the *comes sacrarum*, but always contained the word *privatus* in some form or other. He is addressed at different times as *comes rei privatae*,⁹ *comes privati aerarii*,¹⁰ *comes privatarum remunerationum*,¹¹ *comes privatarum largitionum*,¹² and *comes sacrarum rerum privatarum*,¹³ or simply *comes privatarum*.¹⁴ In cour-

¹ CIL., VI, 1704.

² CIL., VI, 1133.

³ CIL., VI, 1135. See Nuove Mem., p. 322, where Mommsen thinks *magister* referred to the administrator of *patrimonium*; *rationalis*, to that of *fiscus*.

⁴ C. Th., X, 10, 6, 7; I, 11. C. J., I, 33. Lyd., II, 27. Var., VI, 8. CIL., XII, 1524.

⁵ C. Th., X, 10, 13. CIL., IX, 5897. Dessau, 1290.

⁶ C. Th., VI, 9, 1.

⁷ Karl., p. 842. Rugg, s. v., *comes*.

⁸ The ranking was: 1, the consuls; 2, the *praefectus praetorio*, *praefectus urbis*, *magister militum*, *praepositus sacri cubiculi*; 3, the *quaestor sacri palatii*, *magister officiorum*, *comes sacrarum largitionum*, *comes rerum privatarum*, C. Th., VII, 8, 16; XI, 18, 1.

⁹ CIL., V, 6253, line 9.

¹⁰ C. Th., XII, 6, 32.

¹¹ C. Th., VII, 12, 2.

¹² C. Th., VI, 9, 1. Des., 1290. O.-H., 3189.

¹³ C. Th., VI, 30, 18.

¹⁴ C. Th., XII, 1, 120.

tesy he is addressed as *sublimitas*,¹ *sublimis potestas*,² *magnificentia*,³ *sublimis eminentia*,⁴ etc. The close relation between the *comes rerum privatarum* and the *comes sacrarum largitionum* is shown by their being mentioned together so often in such terms as the following: *largitionum nostrarum comites*,⁵ *sacrarum et privatarum comites*,⁶ *illustres viri aerarii nostri*,⁷ etc.

2. The *comes rerum privatarum*, until the second separation which was made in the reign of Anastatius (491–518),⁸ governed the *aerarium privatum*, consisting of both the *res privata*, or the inalienable crown property, and the *patrimonium sacrum*, or that private and personal property of the emperor which could be inherited by his family. When the separation was made, a *comes sacri patrimonii* or *comes patrimonii principis* was established.⁹ In the various provinces the subordinates of the *comes rerum privatarum* were at first the *magistri*,¹⁰ later the *rationales rei privatae*, one for each diocese or province.¹¹ These *rationales rei privatae* took care of all within their province, even the lands belonging to the temples,¹² and kept a record of the income. Below the *rationales* were the *procuratores rei privatae*,¹³ the men who were actually in charge of the property of the *saltus* and the *res privata* in the provinces, and who were of the rank *perfectissimus*.¹⁴ In case any *colonus* upon

¹ C. Th., X, 10, 7.

² C. Th., XII, 9, 2. C. J., X, 73, 2.

³ C. Th., IV, 22, 3.

⁴ C. Th., XI, 30, 49.

⁵ C. Th., X, 1, 13.

⁶ C. J., XII, 43, 2.

⁷ C. J., X, 70, 15. In 425, the *comes privatarum* was equal to the *comes sacrarum*; in the time of Cassiodorus (480–575), inferior (Var., I, 4. C. Th., VI, 30, 24). For some of the Greek names, J. Nov., 20, ch. 2. Lyd., II, 27. Not. Dign. Occ., p. 374.

⁸ That of Septimus Severus had gradually disappeared.

⁹ Karl., p. 841. Lyd., II, 27. Var., IV, 3; VIII, 23; IX, 3, 13. CIL., VI, 1727. O.-H., 3161. Wilm., 643; cf. the earlier *proc. Aug. a patrimonio* and *proc. patrimonii*; and Mommsen, *Nuove Mem.*, pp. 318–19.

¹⁰ Schil., II, p. 77, and references there given.

¹¹ Not. Dign. Or., p. 44. Occ., p. 52, 53. Seeck, pp. 37, 154, 155.

¹² C. J., XI, 65, 4. C. Th., V, 13, 20.

¹³ Not. Dign. Occ., p. 53. Seeck, p. 155.

¹⁴ C. Th., X, 7, 1, 2. C. J., X, 1, 7. Walter, par. 413.

the lands of the *res privata* had committed a crime, he was tried by the regular judge of the province, but in the presence of the *rationalis* or the *procurator*.¹ All processes in matters purely fiscal went to the *rationales* directly.² All debtors to the *res privata* had to have recourse to the *rationales*.³ From them appeal went to the emperor or his delegate, the *comes rerum privatarum*;⁴ and in case the matter was too trivial, or, in case the distance from Rome was too great, and the contestants could not therefore easily get to the *comes rerum privatarum*, the decision went to the *rector provinciae*, which was the regular procedure whenever complaints were lodged against the *procurator privatarum* himself.⁵

3. First of all, the *comes rerum privatarum* had as his chief duty the superintendence of the government estates, both at home and in the provinces, through his *rationales*. These estates were called by various names: among them may be mentioned, *fundi patrimoniales ad domum nostram devoluti*,⁶ *ad divae domus dominium possessiones pertinentes*,⁷ *fundi ad patrimonium nostrum pertinentes*,⁸ *praedia domus nostrae*,⁹ *privatum patrimonium nostrum*.¹⁰ These *fundi rei publicae* were arable lands given over to men called *emphyteuticarii* on condition that they would pay to the government a certain rent, and very likely represented the ancient *ager publicus*.¹¹ They were very much sought after, and were sometimes sold at auction, though the *palatini* attached to the *res privata* were ex-

¹ C. J., III, 26, 8; III, 22, 5. C. Th., XI, 30, 41.

² C. J., III, 26, 5. C. Th., XI, 30, 18.

³ C. Th., IV, 20, 1; X, 16, 4.

⁴ C. Th., XI, 30, 18. C. J., III, 26, 5.

⁵ C. J., III, 26, 9; cf. C. Th., XI, 30, 21, 28, 30, 45, 49.

⁶ C. J., XI, 62, 4.

⁷ C. Th., V, 14, 4.

⁸ C. Th., VII, 13, 12.

⁹ C. Th., V, 14, 6.

¹⁰ C. Th., V, 14, 9. C. J., XI, 68 (67), 6.

¹¹ Daremberg and Saglio, s. v., *ager publicus*.

cluded.¹ The person who did obtain them, however, was pretty much assured in his possession, having the *ius praedii* and therefore the right of transmitting or ceding at will, provided he complied with certain regulations, which, after all, were very easy to comply with. He was to pay the rent in three installments within the year, the last to be made before the Ides of January,² and to be punctual in his payments; for, if not, he was dispossessed by the government, and the estate was given to another who, of course, was not held responsible for the arrears of his predecessor.³ In addition, as all other provincials, he was expected to keep the roads and bridges in his estate in good order.⁴ The *coloni*, or the actual tillers of the soil, seemed to have been bound to the soil in a state of serfdom, and also to the rank in which they were born;⁵ for the *emphyteuticarii* are warned not to replace the *coloni* whom they found on the estate by their own slaves;⁶ and, again, if any one took away a *colonus* and hid him, he was compelled to give him up and pay a fine.⁷ If the *coloni* themselves ran away and joined the army or any other corporation, they were compelled to return⁸ and lost all the rights and privileges of that organization, unless they had been left in the undisturbed enjoyment of them for thirty years.⁹ In addition to these arable lands, there also belonged to the government estates the *saltus* or pasture lands, under the charge of *procuratores saltus*.¹⁰ These lands too were given out at certain fixed rentals which the offi-

¹ C. J., XI, 73 (72); XI, 71 (70), 3. C. Th., X, 3, 6.

² C. J., XI, 65 (64), 4. C. Th., V, 13, 20.

³ C. J., XI, 66 (65), 1. C. Th., V, 14, 1.

⁴ C. J., XI 65 (64), 1; XI, 75 (74), 4. C. Th., XV, 3, 1, 6.

⁵ C. J., XI 64 (63), 1; cf. *coloni saltus*, CIL., VIII, 587. O.-H., 5313.

⁶ C. J., XI, 63 (62), 3.

⁷ C. J., XI, 64 (63), 2. C. Th., V, 9, 2.

⁸ C. J., XI, 63 (62), 4; XI, 64 (63), 3; cf. XI, 59, 7.

⁹ C. J., XI, 66 (65), 6. C. Th., XII, 19, 2.

¹⁰ C. J., XI, 65, 66. C. Th., VII, 7. Seeck, p. 38. CIL., III, 536; IX, 784. Wilm., 1292. O.-H., 2952.

cials of the province were forbidden to increase.¹ It seems that the soldiers were accustomed to use these pastures for their horses, until the custom became so burdensome as to call forth several prohibitory decrees from the emperor.² These two classes of land, the *fundi rei publicae* and the *saltus* constituted the *res privata* proper.

4. The *comes rerum privatarum* also superintended the revenues from certain estates which were especially assigned to the imperial house, the estates of the crown, consisting of the *praedia rei dominicae*, or *praedia Caesarum*, or *praedia domus Augustae*.³ Here belongs the *comes domorum per Cappadociam*, who, in the time of the Notitia was known as *comes domus divinae per Cappadociam*,⁴ and the other *comites domorum* or caretakers of the royal dwellings, who very likely existed for other provinces also.⁵ On account of the shutting of the temple at Comana by Constantine and the confiscation of its lands as well as of those of the high priests, the *res privata* in Cappadocia had been so greatly increased that a special *comes* was thought necessary.⁶ This *comes* was of a rank superior to that of the civil magistrates of the other provinces.⁷ For, in his case, one person united in himself both the civil and the military government of the province, plus the care of the *domus divina* in that province.⁸ The *comes rerum privatarum* yearly appointed a *palatinus* from his own *officium* to be the head or *princeps* of the *officium* of the *comes domorum per Cappadociam*,⁹ but the appeal from the decision of the *comes domorum* himself went to the *comes privatarum*.¹⁰ The conclusion from all this is that the *comes domorum* was the supreme authority

¹ C. J., XI, 60, 1. C. Th., VII, 7, 1, 2.

² C. J., XI, 60, 2, 3. C. Th., VII, 7, 3, 4, 5.

³ C. J., XI, 66-74. C. Th., X, 25, 26. Willems, p. 602 seq. Walter, par. 413.

⁴ Not. Dign. Or., p. 37, 44. Seeck, pp. 30, 37.

⁵ Cf. C. J., XII, 5, 2. C. Th., IX, 27, 7.

⁶ Gibbon, ch. 17.

⁷ J. Nov., 30. Preface.

⁸ J. Nov., 30, ch. 1.

⁹ C. J., XII, 24, 3. C. Th., VI, 30, 2.

¹⁰ C. J., IX, 27, 5. C. Th., IX, 27, 7.

as to matters of the *res privata* in one province, whereas the *comes rerum privatarum* was the final authority for all the provinces.¹ These estates under the *comites domorum* included lands called *praedia tamiaca*, which were lands that could actually be sold.² The collecting of the revenue of these *praedia* was done, not by the *rationales* but by the ordinary judges,³ who consequently attached to themselves a *tabularius* of their own and a general receiver.⁴ Here too belonged the care of the herds and flocks and stables in the provinces, entrusted to *praepositi gregum et stabulorum*,⁵ who, in turn, commanded the *stablesiani* or *stabularii*.⁶

5. As already stated, the *comes rerum privatarum* controlled, until the time of Emperor Anastasius, also the revenue of the *patrimonium principis*. Although the *res privata* is sometimes called *patrimonium*, there was a great distinction between them: the *patrimonium* was the hereditary property of the emperor,—that property which belonged to him as a private individual, as opposed to the *res privata*,—the inalienable crown property which belonged to the emperor temporarily and in virtue of the position he occupied.⁷ The separation was made for the second time by the prudent Anastasius, in order to avoid the confusion which was natural to the combination of the two, and also because the *res privata* had become too large and too widely scattered for only one man to manage it.⁸ The *comes* was established first in the East, at a date between 491 and 508 A. D., and later, in the West.⁹ He was made of the rank *illustris*,¹⁰

¹ Karl, pp. 841–45.

² C. J., XI, 69 (68), 2.

³ C. J., XI, 64, 5; XI, 73, 2. C. Th., VIII, 8, 5; I, 11, 1, 2; I, 5, 13.

⁴ C. J., XII, 50, 4; X, 70, 13. C. Th., VIII, 1, 12; XII, 6, 30.

⁵ Not. Dign. Or., p. 44. Seeck, p. 38. C. J., XI, 76 (75). C. Th., X, 6; cf. CIL., XIV, 2299. O.-H., 2619.

⁶ Not. Dign. Or., p. 209.

⁷ See the distinction followed in C. J., XI, 61–64.

⁸ Lyd., II, 27.

⁹ Var., I, 16; VI, 9. C. J., I, 34 (35).

¹⁰ Var., V, 18; IV, 3; VIII, 23; IX, 3, 13. CIL., VI, 1727. O.-H., 3161. Wilm., 643.

and in the Occident, in addition to his other duties, was held responsible for the providing of delicacies for the imperial table.¹ He was the judge over the servants employed on his domains, and was dependent, not so much upon the laws, but upon the voice of the emperor. That is to say, in the West the office of *comes patrimonii* bore the stamp of foreign military government; and the fact that the military officers of the Western Empire were at this time Goths and that nevertheless they could hold the office of *comes patrimonii*, in addition to their close dependence on the will of the emperor, shows that this office was by them considered private and confidential rather than public.² The *comes* had as subordinates in the provinces *procuratores patrimonii*,³ and sometimes the same man held both this position and the corresponding subordinate position of the *comes rerum privatarum*.⁴ The distinction between the various officers of the financial administration may be stated as follows: the *comes sacrarum largitionum* was the state treasurer; the *comes rerum privatarum* the manager and treasurer of the government and crown properties; and the *comes patrimonii sacri*, the treasurer of the emperor considered as a private individual.

6. The last great division of the duties of the *comes privatarum* was the incorporating into the *res privata* of the *bona damnatorum seu proscriptorum*, which at first had gone to the *aerarium* but towards the end of the reign of Tiberius, to the *fiscus*.⁵ This revenue was the proceeds of the confiscated property of delinquents, and was under the charge of a *procurator ad bona damnatorum*.⁶ Whenever such cases occurred, the provincial governor was to make a very minute inventory of

¹ Var., VI, 9.

² Mommsen, Neues Archiv., Vol. 14, p. 464.

³ CIL., VI, 8498, 8499, 8501, 9029. O.-H., 3180, 5530. Wilm., 1257, 1272, 1285.

⁴ Wilm., 1293. O.-H., 5530; cf. Hirsch., Unter., pp. 42, 43.

⁵ Tac., Ann., VI, 19.

⁶ CIL., VI, 1634. O.-H., 6519, 3190.

the property,¹ and then hand the entire matter either to the *palatinus* sent out for the purpose, or to the *rationalis rei privatae*, who, in case of a mistake or on suspicion of fraud, himself went over the list again.² As a result of confiscation, there belonged here the *patrimonium Gildoniaci*, the property of Gildo, the *magister militum*, who became tyrant of Africa after the death of Theodosius the Great, which was incorporated with the *res privata* in the reign of Arcadius. This gave rise in the Empire of the West to a *comes et procurator divinae domus*,³ an *illustris* who had far greater powers than he had later, when made subordinate to the *comes rerum privatarum* under the title of *comes Gildoniaci patrimonii*.⁴ The *comes privatarum* claimed for the *res privata* all deposited money which, on account of long lapse of time, had no claimant; and in addition, that property for which no heirs were forthcoming,—the *bona caduca et vacantia*.⁵ The method of procedure in such cases was as follows: first, the emperor was to be notified;⁶ then a *palatinus* or several *palatini* were sent to the province, who made a thorough inquiry into the case in the presence of the *advocatus fisci*; if, after summoning all those who thought they had claims in the matter, no one presented himself, everything was sent to the *comes privatarum*. In case of fraud, the *palatini* were severely punished, the *praeses* of the province lost half his property and the *advocatus fisci* was fined just the amount of the loss caused by his negligence.⁷ The exception to the rule that the property of those who died without heirs belonged to the *res privata*, was in case the emperor had donated something to two persons jointly, in which case the survivor,

¹ C. J., IX, 49, 7. C. Th., IX, 42, 3, 7.

² C. J. and C. Th., 11. cc.

³ C. Th., IX, 42, 16, 19.

⁴ Not. Dign. Occ., p. 52. Seeck, p. 154. Cf. Ammian., XXIX, 5, 6, 21, 24. CIL., IX, 4051.

⁵ C. J., X, 10, 1, 4. C. Th., XI, 16, 20. Var., VI, 8.

⁶ C. Th., X, 10, 11.

⁷ C. J., X, 10, 5. C. Th., X, 8, 2, 5; X, 9, 1. The name *palatinus* was applied to any subordinate of either the *comes sacrarum largitionum* or *comes rerum privatarum*.

rather than any one else, was to receive the portion of the deceased.¹ Later there was a division of the revenue thus collected,—one-third went to the *sacrum aerarium* and a second third went to the *arca praetoriana*; but as a return for this, the *comes privatarum* was given a participation in the custom-house duties and land taxes.²

7. The *comes privatarum* superintended the *canonicarii*, the rent collectors of the *praedia dominica* in the provinces, constituting the *scrinium canonum*.³ The *scrinium beneficiorum* was composed of men who kept track of those persons to whom the emperor made gifts of immovable property and granted privileges, and who, when the necessity of the state or the poverty of the treasury demanded it, made a collection of gold and silver from those estates of the emperor which had been thus donated and relieved of taxes,—a right which the emperor always reserved.⁴ The *scrinium securitatum* issued the *apochae* or receipts given to debtors in acknowledgment of the payment of their debts to the *res privata*, which receipts contained the specific mention of the name, day, consul, month, and sum.⁵ The *comes privatarum* had a *bastaga privata* corresponding to that of the *comes sacrarum largitionum*, a *primicerius totius officii* and a *secundocerus totius officii*. The distribution of the money depended entirely upon the will of the emperor, who often used these revenues in making personal presents by means of which, however, he frequently furthered state purposes and ends.⁶

¹ C. J., X, 14. C. Th., X, 14, 2.

² B.-H., III, par. 134, p. 74, note 37. Karl., I. c.

³ Not. Dign. Or., p. 44. Occ., p. 54. Seeck, p. 38, 156. Var., VI, 8; cf. IV, 11.

⁴ C. J., X, 28. C. Th., VIII, 4, 5; XI, 20.

⁵ C. J., X, 22, 1, 4. C. Th., XII, 1, 173, 185. Var., XI, 7.

⁶ C. J., XI, 75 (74), 5. Willems, p. 602 seq. C. Th., XI, 1, 36. Cf. *dispensator rationis privatae* CIL., V, 7752; VI, 8454.

CHAPTER XI.

THE COMITES DOMESTICORUM.

1. The fact that the *comites domesticorum* are placed, in the Notitia Dignitatum, immediately after the *comes rerum privatarum* (an officer undoubtedly of the rank *illustris*), and before the *primicerius sacri cubiculi* (an officer undoubtedly of the rank *spectabilis*), has given rise to the question as to which of the two ranks the *comites domesticorum* held.¹ What still further helps to increase the discussion is the fact that the Notitia does not in this, as in every other case of an *illustris*, state above the space provided the words *insignia viri illustris comitis domesticorum*. One opinion is that these comites were not *illustres*, and in favor of this is the method of promotion of the *comites*, which the Notitia states as being from this position to that of *vicarius* for the *magister militum*,² which would make him a *spectabilis* only. On the other hand, the *comites* are here and there in the Codes mentioned as *illustres*. This must be thought of together with the fact that they were at the head of a department attached to the imperial household, that all such were of the rank *illustris*, and that inscriptions also are found which mention them as *illustres*.³ Perhaps the explanation is that the office was not such as to bring the rank of *illustris* in itself, but one that might be held by men who had already gained the rank of *illustris*.

2. Together with the name *domestici*, there is often found coupled that of *protectores*. The first appearance in the inscriptions of this latter name was in 261 A. D., in an inscription of Volusianus, the consul of that year. He is there called

¹ Not. Dign. Or., p. 4, 45. Occ., p. 4, 55. Seeck, p. 1, 39, 103, 157.

² Not. Dign. Or., p. 263.

³ CIL., V, 8120 (2, 4, 7); VI, 1730, 1731, 1794, 1796. Cf. de Rossi, 968. C. J., XII, 16, 1. C. Th., XII, 1, 38.

protector Augustorum nostrorum.¹ Before the third century, there do not seem to have been any *protectores*; and, to appear as more or less of an institution in 261 A. D., they must have been established some time before, perhaps during the reign of Decius or Philippus or even Gordianus III., due to the fact that from the middle of the third century the emperors were very frequently away from Rome.² The purpose of their establishment was a closer protection of the emperor, forming a closer guard than the praetorian,—a circle within a circle. Even their name shows this to have been their original purpose; for we find *protector divini lateris Augusti nostri*,³ and *protector sacri lateris*.⁴ This name, however, was abbreviated into various forms: *protector lateris divini*,⁵ *protector Augusti nostri*,⁶ and *protector domini nostri*.⁷ There is also found a *protector praefecti praetorio*,⁸ which title naturally ceased to exist after Constantine, when the *praefectus praetorio* lost all military power. It is very probable that these *protectores*, who accompanied the emperor on his various journeys, did not at first form an actual body of troops, but were merely special friends of the emperor gradually usurping the duties which should have belonged to the praetorians. Naturally, they began to be formed into a regular body and to be considered as higher in rank than the praetorians.⁹ Under Aurelian, this semi-formed body was given more definite organization and called *protectores et domestici*.¹⁰ The title of the added men did not have the restricted use which it received after the reform of Constantine; so that, the mentioning of the fact that Diocletian,

¹ E. E., V, p. 121, 1. O.-H., 3100. Wilm., 1839.

² B.-L., p. 319. E. E., 1. c.

³ E. E., V, p. 121, 4. O.-H., 1869. C. Th., VI, 24, 9.

⁴ CIL., III, 1085.

⁵ E. E., 1. c., 8.

⁶ E. E., 1. c., 1, 2, 3. CIL., III, 327, 3126, 3228, 3424, 3529.

⁷ E. E., 1. c., 15.

⁸ CIL., VI, 3238. O.-H., 3536. E. E., 1. c., 18.

⁹ B.-L., 1. c. E. E., 1. c., p. 135.

¹⁰ E. E., 1. c., p. 131. Marquardt, St., II, p. 609.

on his accession to power, was *comes domesticorum*, means simply that he was the commander of those praetorian troops chosen especially to defend the emperor.¹ When emperor, Diocletian diminished the praetorians,² and reënforced the *domestici* by adding to them the *lanciarrii*,³ and battalions from the Illyrian provinces, which were the best troops of the army, and which in compliment to the Augusti Diocletian and Maximian called themselves respectively the *Joviani* and *Herculiani*.⁴ Thus it will be seen that when Constantine after his victory over Maxentius in 312 A. D. finally did away with the praetorian troops together with their camp,⁵ he had something ready at hand as a substitute, the *protectores et domestici*, whom he exalted to the rank and the duties previously performed by the praetorians.

3. As usual, these troops were called by different names: *protectores*,⁶ *protectores domestici*,⁷ *domestici protectores*,⁸ *protectores aut domestici*,⁹ *domestici et protectores*,¹⁰ *domestici seu protectores*,¹¹ simply *protectores*, or simply *domestici*.¹² There were consequently two different kinds of soldiers *intra palatium* under different officers; to the first belonged the *scholae*, consisting of *scutarii*, *gentilicii*, *sagittarii*, *clibanarii* and *armaturae*, all under the command of the *magister officiorum*, while to the second belonged the two brigades of *protectores* and *domestici*, higher than the others and under the *comites domesticorum*. Part of the *domestici* were on foot, the *domestici pedites*, and part on horse, the *domestici equites*. Just what

¹ E. E., V, p. 126 seq. Aur. Vict., Caes., 39.

² Aur. Vict., Caes., 39. Lactant., de mort. persec., 26.

³ E. E., I. c., 43. CIL., III, 6194.

⁴ Duruy, Vol. 7, p. 393. Hermes, 1889, Vol. 24, p. 225. Ammian., XXV, 6, 2, 3; XXII, 3, 2. Aur. Vict., Caes., 39, 18. Schil., II, pp. 23, 24, 87.

⁵ Zos., II, 17. Aur. Vict., Caes., 40, 25.

⁶ C. Th., VII, 20, 4; VII, 22, 2; VIII, 7, 2.

⁷ C. Th., VI, 24, 3, 9; VIII, 7, 9. Ammian., XIV, 10, 2; XV, 3, 10.

⁸ C. Th., VIII, 5, 14, 49. C. J., XII, 51, 4.

⁹ C. Th., XII, 1, 88; VII, 21, 3.

¹⁰ C. Th., VI, 24, 4, 7. C. J., XII, 17, 1, 2.

¹¹ C. Th., XII, 1, 38; VIII, 8, 4. C. J., XII, 60, 3.

¹² C. Th., VII, 20, 8; VII, 21, 2; VIII, 5, 30; VI, 24, 1, 2, 5, 6, 8, 11.

difference there was between the *protectores* and the *domestici* is hard to tell. One opinion is that the *domestici* were mounted while the *protectores* were on foot, which does not entirely agree with the Notitia, which gives the *domestici* as being both on foot and mounted, unless perchance the Notitia includes the *protectores* under the general name of *domestici*.¹ Another opinion is that the *protectores* were men recruited from among the old legionaries of the grade centurion as a reward for a long service of twenty years, and that the *domestici* were young nobles of the senatorial rank whom Constantine gathered around himself, either on account of their nobility or their wealth.² For Constantine, having great tact, readmitted senators and nobles into the military service, from which Gallienus had excluded them. After some time, however, veterans ceased to be enrolled altogether, and the positions of *domestici* and *protectores* were regularly bought.

4. The *domestici* and *protectores* were divided into *scholae*, a name first used in reference to these divisions by Ammianus.³ Those *scholae* in active service were composed of fifty men each,⁴ commanded by *decemprimi*, men of the rank *clarissimus*,⁵ under the general supervision of a *primicerius* of the rank *spectabilis*.⁶ The *protectores* themselves were *perfectissimi*.⁷ In addition to accompanying the emperor whenever he went abroad, the *protectores* and *domestici* and even their *comites* were sent into the provinces to perform various public services, such as catching delinquents, collecting tributes and other public necessities, though a portion always had to be *in prae-senti*.⁸ Sometimes they were sent to the *magister militum* and placed subject to his orders; for the *comes* himself at times was

¹ B.-L., p. 319, note.

² C. Th., VII, 20, 5. Misp., II, p. 367. Willems, p. 560. Sym., III, 67. C. J., XII, 47, 2. E. E., I. c., p. 131. Seeck, Gesc., II, p. 39, 41-43.

³ Ammian., XIV, 7, 9; XXVI, 5, 3. C. Th., VI, 24, 1, 3; VI, 25, 1.

⁴ C. Th., VI, 24, 1.

⁵ C. Th., VI, 24, 7-10.

⁶ C. Th., VI, 24, 11. C. J., XII, 17, 2.

⁷ E. E., I. c., p. 123, 26, p. 137. CIL., III, 1805, 4185.

⁸ C. Th., VI, 24, 1; VIII, 8, 4. Not. Dign. Or., p. 262 seq., 235. Ammian., XVI, 10, 21; XV, 5, 22; XV, 3, 10.

called upon to fulfill the functions of the *magister militum*.¹ Whenever they were sent abroad, as when they accompanied to their provinces some newly appointed governor, their pay, already very high, and received from the *arcarius praefectorum*, seems to have been increased;² but this increase was paid by the *comes rerum privatarum*,³ perhaps to signify that in being sent on such duties, the *domestici* were doing more than was required of them, and were merely doing a special favor to the emperor personally.

5. No *domesticus*, after finishing his term, could aspire to the same position again;⁴ and if he had been in a province, he was to remain there for fifty days after the end of his term,⁵ in order that the people, if they so desired, might have time to bring in complaints against him.⁶ If, however, before finishing his service as a *domesticus*, he remained in the province for two years in spite of the fact that he was not on a commission for the public good, and had not obtained a furlough, he was put back five grades in the service; if so absent for three years, the penalty was ten grades; if for a period of four years, he was considered as the last man on the roll; and finally, if for five years, he was altogether excluded from the corps.⁷ The *secundicerius* of the *domestici equites* had a rather curious privilege: if he died in the year before that one in which he was to have become *primicerius*, his heirs could lay claim to what he would have received as *primicerius*.⁸ There is no very exact knowledge of the various ranks into which the *protectores* and *domestici* were divided, as there is, for example, of the *agentes in rebus*. There is hardly any doubt but that there were some; for there is found the expression *ducenarii protectores*.⁹

¹ Misp., I, 331. C. Th., XV, 11, 1. C. J., XI, 45 (44).

² Var., I, 10. Sym., III, 67. Walter, par. 414.

³ Var., IX, 13.

⁴ C. J., I, 51, 6. C. Th., VIII, 1, 16.

⁵ C. J., I, 51, 3.

⁶ C. J., I, 51, 8. C. Th., I, 35, 3.

⁷ C. J., XII, 17, 3.

⁸ C. J., XII, 17, 4.

⁹ E. E., I. c., 5, 11, 14, 22, 41. CIL., III, 1805; V, 5833; VI, 3637; XI, 837; XII, 2228, 2576.

CHAPTER XII.

RANK OF OFFICIAL POSITIONS.

ILLUSTRES.¹

Praefectus praetorio.

Not. Dign. Or., p. 9, 12. Occ., 8, 13. Seeck, p. 5, 8, 107, 110. CIL., VI, 1704, 1705, 1778, etc.

Praefectus Urbis.

Not. Dign. Or., p. 15. Occ., p. 15. Seeck, p. 10, 113. CIL., VI, 1656, 1664, 1666, 1677, 1679, 1739-1742.

Magister Militum.

Not. Dign. Or., p. 17, 21, 25, 29, 33. Occ., p. 17, 29. Seeck, p. 11, 15, 19, 23, 27, 115, 128. CIL., VI, 1739, 1730-1733, 1188, 1189; IX, 4051.

Praepositus Sacri Cubiculi.

Not. Dign. Or., p. 37. Seeck, p. 30, 143. Nov. Martiani, Tit., II, 1, 3.

*Magister Officiorum.*²

Not. Dign. Or., p. 38. Occ., p. 42. Seeck, p. 31, 144. CIL., VI, 1721, 1796 (28), 3866b. Var., I, 12. CIL., VIII, 989. Wilm., 671.

*Quaestor Sacri Palatii.*²

Not. Dign. Or., p. 40. Occ., p. 45. Seeck, p. 34, 147. CIL., VI, 1782. Var., X, 6; V, 3. C. Th., I, 8, 2, 3. Th. Nov., I, 7.

*Comes Sacrarum Largitionum.*²

Not. Dign. Or., p. 41. Occ., p. 46. Seeck, p. 35, 148. CIL., VI, 1674; V, 6268. C. Th., VI, 9, 1; XI, 18. C. J., XII, 6; X, 72, 1.

*Comes Rerum Privatarum.*²

Not. Dign. Or., p. 44. Occ., p. 52. Seeck, p. 37, 154. C. Th., XI, 18. C. J., XI, 70, 5; XI, 73, 2. Var., III, 53; IV, 3, 7, 11, 13. Sym., X, 15, 62, 70.

Comes Domesticorum.

CIL., V, 8120 (2, 4, 7); VI, 1730, 1731, 1794, 1796 (32). C. Th., XII, 1, 38. C. J., XII, 16, 1. Rossi, 968 and p. 436. Not. Dign. Or., p. 45. Occ., p. 55. Seeck, p. 39, 157.

¹ Given in the order in which they appear in the Notitia Dignitatum, up to *comes sacri patrimonii*. These were judged by the emperor, or the *praefectus praetorio* or *praefectus urbis*, C. J., III, 24, 3; XII, 1, 16.

² These four are sometimes called *Comites Consistoriani*. C. Th., VI, 12; VI, 30, 1, 4; VII, 8, 3; IX, 14, 3. C. J., XII, 10.

Comes Sacri Patrimonii.

Var., V, 18; IV, 3; VIII, 23; IX, 3, 13. C. J., I, 34. C. Th., X, 1, 8.
CIL., VI, 1727. Wilm., 643. O.-H., 3161.

The Patriciate.

Var., I, 3, 10, 15, 20, 39, 45. CIL., VI, 1720, 1796 (28, 32); V,
8120 (1); X, 6850 (1). Dessau, 827. C. J., XII, 3, 3, 5.

*Consules.*¹

CIL., VI, 1754, 1791, 1796 (28); V, 8120 (6), 6732; XIV, 2824.
Var., II, 2; V, 42.

SPECTABILES.

Adiutor Magistri Officiorum.

C. Th., VI, 27, 20, 21. C. J., XII, 22, 5. CIL., X, 7200.

*Advocatus Fisci.*²

C. J., II, 7, 8. CIL., VI, 1704. Cf. Nuove Mem., 1865, p. 330, 331.

*Agentes in Rebus.*²

CIL., VIII, 989. C. Th., VI, 28, 3. C. J., XII, 22, 1. Pauly,
Real Enc.

Assessores Virorum Illustrium.

C. Th., VI, 15, 1.

*Castrensis sacri palatii.*³

Not. Dign. Or., p. 47. Occ., p. 57. Seeck, p. 40, 158. C. Th., VI,
13, 1; VI, 32, 1, 2.

Chartularii.

Not. Dign. Or., p. 233, note 5. Occ., p. 299.

Comites.

Var., VI, 12. C. Th., XII, 6 and 20, etc.

Comes Aegypti.

Not. Dign. Or., p. 67. Seeck, p. 58. C. J., XII, 11. C. Th., I, 7,
3; XI, 24, 3; XI, 28, 3; XVI, 10, 11.

Comes Africae.

Not. Dign. Occ., p. 76. Seeck, p. 174, and previous note.

*Comes Archiatrorum.*³

C. J., XII, 13. C. Th., VI, 16, 1. Var., VI, 19. Du Cange, s. v.,
cf. C. Th., XI, 18, 1; XIII, 3, 12, 19.

Comes Consistorianus (379 A. D.).

C. J., XII, 10, 1, 2; II, 7, 23. C. Th., I, 1, 6, 2; VI, 12. Nov. Th.,
I, 7. Var., VI, 12.

¹ Probably only for the year in which they held the office. Cf. *Comes Vestis Sacrae*, C. Th., XI, 18, 1, and *illustris exprimicerius notariorum*, CIL., VI, 1790.

² After completing service.

³ Also *comes primi ordinis in actu positus*.

Comes Domesticus. Later became *consistorianus*.

CIL., VI, 1721, 1748. Dessau, 1238, 1244 (355 A. D.).

Comes Domorum per Cappadociam.

C. J., III, 26, 11. J. Nov., 20, ch. 2. Nov., 30, preface and ch. 1, 4. Not. Dign. Or., p. 37. Seeck, p. 30. Not. Dign. Occ., p. 298.

Comes Formarum.

CIL., VI, 1765. Var., VII, 6, 15.

Comes Intra Palatium. Later became known as *Consistorianus*.

Dessau, 1225, 1232, 1240. CIL., VI, 1690, 1723, 1757.

Comes Largitionum.

C. J., III, 13, 4. C. Th., XII, 1, 33; VIII, 7, 21; cf. Not. Dign. Occ., p. 335.

*Comes Legum.*¹

C. J., XII, 15, 1. C. Th., VI, 21, 1; XIII, 3, 16.

Comes Orientis.

Not. Dign. Or., p. 55. Seeck, p. 48. C. J., VII, 62, 32. CIL., VI, 1757; X, 1695, 1696, 1700.

Comes Ponti.

C. J., XII, 11. C. Th., VI, 13.

Comes Primi Ordinis.

CIL., VI, 1690, 1691, 1717, 1721, 1725, 1727, 1739-1741.

Comes Provinciarum.

Nov. Val. III, Tit., VI, 3, 1. C. J., XII, 14. C. Th., VI, 17, 1. Var., VI, 12.

*Comes Rei Militaris.*²

Not. Dign. Or., p. 67, 70. Occ., p. 76-85. Seeck, p. 58-62, 173-183. Nov. Val., l. c. C. J., XII, 12. C. Th., VI, 14, 3.

Comes Sacrae Vestis.

Not. Dign. Or., p. 234. C. Th., XI, 18.

Comes Scholarum.

C. Th., VI, 13, 1. Nov. Th., 21. C. J., XII, 29 (30), 1.

Comes Secundi Ordinis.

CIL., VI, 1690, 1691, 1739-1742.

*Comes Stabuli.*²

CIL., VI, 1731. C. J., XII, 11. C. Th., XI, 18; VI, 13.

Comes Tertii Ordinis.

CIL., VI, 1699. Dessau, 2946. O.-H., 1187.

*Duces.*²

Not. Dign. Or., p. 72-107. Occ., p. 86-116. Seeck, p. 63-97, 192-214. C. J., XII, 36, 18, 4, 5; XII, 60, 8. C. Th., VIII, 4, 27. Ammian., XXI, 16, 2. C. Th., XI, 36, 33. Cf. Wilm., 2789, 2152.

¹ Also *comes primi ordinis honorarius*.

² Also *comes primi ordinis in actu positus*.

³ Also *comes secundi ordinis in actu positus*.

*Grammatici Graeci et Latini.*¹

C. Th., VI, 21, 1. C. J., XII, 15, 1.

*Magister Dispositionum.*²

C. Th., VI, 26, 17, 18. C. J., XII, 19, 8; X, 31, 66, 1. CIL., VI, 1751, after service.

*Magister Epistolarum.*³

Not. Dign. Or., p. 50. Occ., p. 60. Seeck, p. 44, 161. C. J., VII, 62, 39, 1. CIL., III, 431, 5215.

*Magister Libellorum.*³

Not. Dign. Or., p. 50. Occ., p. 60. Seeck, p. 44, 161. C. J., XII, 9. C. Th., VI, 11. CIL., VI, 510, 1704; XII, 1524. Th. Nov., I, par. 7.

*Magister Memoriae.*³

Not. Dign. and Seeck, 11., cc. C. J., XII, 9. C. Th., VI, 11. CIL., VI, 1764.

*Oratores et Philosophi.*⁴

C. Th., XIII, 3, 16, 17.

*Patronus caudicauriorum et mensorum.*⁵

C. Th., XIV, 4, 9. Cf. Duruy, Vol. 8, p. 24, note 1.

Patronus Fisci.

C. J., XII, 19, 12, 1. CIL., X, 1125.

Praefectus Augustalis.

Not. Dign. Or., p. 57. Seeck, p. 50. C. J., VII, 62, 32.

Praefectus Annonae.

C. Th., XII, 6, 24.

Praefectus Vigilum.

Not. Dign. Occ., p. 15. Seeck, p. 113. Dig., I, 15, 3. Cf. C. J., I, 44. C. Th., II, 17, 1, 2. Var., VII, 7. CIL., VI, 1144, 1157. Dessau, 700.

Praeses Cappadociae primae.

J. Nov., 20, ch. 2.

Primicerius Domesticorum.

C. J., XII, 17, 2. C. Th., VI, 24, 11.

*Primicerius Notariorum.*³

Not. Dign. Or., p. 49. Occ., p. 59. C. J., XII, 40, 10, 5. Seeck, p. 42, 160. C. J., XII, 7, 2. C. Th., VI, 10, 2, 3; XI, 18. Var., VI, 16.

Primicerius Sacri Cubiculi.

Not. Dign. Or., p. 46. Occ., p. 56. Seeck, p. 40, 158. Not. Dign. Occ., p. 297.

¹ Also comes *primi ordinis honorarius*.² Also comes *secundi ordinis in actu positus*.³ Also comes *primi ordinis in actu positus*.⁴ Also comes *secundi ordinis honorarius*.⁵ Also comes *tertii ordinis*.

*Primicerius Scriniorium.*¹

C. Th., VI, 26, 17.

*Princeps Agentium in rebus.*²

C. J., XII, 22, 3, 5, 6. C. Th., VI, 27, 5, 6; VI, 28, 7. CIL., VIII, 989.

Proconsul Asiae.

Not. Dign. Or., p. 51. Seeck, p. 45. C. J., VII, 62, 32.

Proconsul Achaiae.

Not. Dign. Or., p. 53. Seeck, pp. 46 and 47.

Proconsul Africae.

Not. Dign. Occ., p. 61. Seeck, p. 162.

*Proximus Scriniorium.*³

C. J., XII, 19, 1, 8; X, 31, 66. C. Th., VI, 26, 2, 4, 10; XI, 18; VI, 26, 17, after service.

Rector decuriarum.

Var., V, 22.

Tribunus ac Notarius.

C. J., XII, 7, 2. C. Th., VI, 10, 2, 3. Var., VI, 16. CIL., VI, 1710, 1761.

*Tribunus Scholarum.*²

C. J., XII, 11. C. Th., VI, 13, 1.

Tribunus Stabuli.

C. J. and C. Th., 11, cc. C. J., XII, 29, 1.

*Vicarius Africae.*⁴

Not. Dign. Occ., p. 67. Seeck, p. 165.

Vicarius Asiae.

Not. Dign. Or., p. 59. Seeck, p. 52.

Vicarius Britanniarum.

Not. Dign. Occ., p. 74. Seeck, p. 171.

Vicarius Hispaniae.

Not. Dign. Occ., p. 69. Seeck, p. 167.

Vicarius Ponti.

Not. Dign. Or., p. 61. Seeck, p. 54.

Vicarius Septem provinciarum.

Not. Dign. Occ., p. 71. Seeck, p. 169.

Vicarius Thraciae.

Not. Dign. Or., p. 63. Seeck, p. 56. Cf. C. J., VII, 62, 32. C. Th., VI, 15, 1.

¹ Comes tertii ordinis.² Comes primi ordinis in actu positus.³ Comes secundi ordinis in actu positus.⁴ Also comes primi ordinis in actu positus. Under Constantine the Vicarii were perfectissimi. C. Th., II, 26, 1. (Nuove Mem., p. 307, 315; cf. p. 306, note.)

CLARISSIMI.

Agentes in rebus.

C. Th., VI, 27, 5, 6, 10, 12; VI, 2, 21; VI, 28, 8. C. J., XII, 22, 4.
CIL., VIII, 989. Pauly, Real Enc.

Arcarii.

Var., XII, 20; V, 7.

Cancellarii.

Var., XI, 10, 37, 39; XII, 15.

Comes Portus.

Var., VII, 9, 14, 23. CIL., X, 6441. Wilm., 1231. Dessau, 1250.

Comes Riparum et alvei Tiberis.

CIL., VI, 1143, 1242, 1723. Wilm., 851.

Comes Stabuli.

C. Th., XI, 17, 3; XI, 1, 29. C. J., XII, 11. CIL., VI, 1731.
O.-H., 1134.

Consularis Aquarum.

CIL., VI, 3865, 3866, 1673, 1723; X, 1695, 1696.

Consularis Aemiliae et Liguriaie.

CIL., X, 1125; XII, 1858. C. Th., II, 4, 4; XI, 16, 2. Bet. 321 and
387 A. D.

Consularis Aemiliae.

CIL., VI, 1715. C. Th., IV, 12, 1; XIII, 10, 3; IV, 12, 1. After
396 A. D.

Consularis Baeticae.

CIL., II, 2206.

Consularis Bithyniae.

CIL., VIII, 5348.

Consularis Byzacii.

CIL., VIII, 242; X, 3846. E. E., VII, 45.

Consularis Campaniae.

Not. Dign. Occ., p. 123. Seeck, p. 220. CIL., VI, 1678, 1723, 1736,
1746; X, 1656, 1683, 6312, 6313, 6084.

Consularis Cretae.

E. E., VII, p. 426, 6. CIG., 2562, 2593, 2594-2597.

Consularis Europae.

CIL., VI, 1684, 1690, 1691. Rev. Arch., 1898, I, p. 316.

Consularis Flaminii et Piceni Annonarii.

CIL., VI, 1767; cf. 1717, 1773, 1700; VIII, 5348; XIV, 3582.

Consularis Galatiae.

CIG., 4050.

Consularis Gallaeciae.

CIL., II, 4911.

Consularis Germaniae Primae.

CIL., XII, 1524.

Consularis Lusitaniae.

CIL., VI, 1777, 1778, 1779. O.-H., 2354.

Consularis Mumidiae.

CIL., VI, 1690, 1675, 1722; VIII, 2196, 2216, 2242, 2244, 2388, 2656. Cf. CIL., VIII, 7004, 7006. Dessau, 674, 688.

Consularis Palaestinae.

Not. Dign. Or., p. 110. Seeck, p. 98.

Consularis Pamphyliae.

CIG., 4350.

Consularis Pannoniae secundae.

Not. Dign. Occ., p. 145. CIL., IX, 2566.

Consularis Piceni suburbicarii.

CIL., VI, 1767. O.-H., 3171. Ammian., XV, 7, 5. C. Th., XV, 1, 17; IX, 30, 4; IX, 2, 2.

Consularis Thraciae.

CIL., VI, 1684, 1690.

Consularis Siciliae.

CIL., VI, 1684, 1690, 1691, 1717, 1739-1742; X, 7017, 7200, 7124, 7125.

Consularis Tusciae et Umbriae.

CIL., VI, 1690, 1702. C. Th., XII, 1, 72. Notizie, 1890, p. 377. Cf. CIL., VI, 1777, 1778, 1768, 1769, 1779; X, 1125, 5061, 6441.

Consularis Venetiae et Histriae.

CIL., V, 1582, 3332. C. Th., VIII, 8, 1; XI, 7, 10. Cf. CIL., V, 4327, 4328, 8987; VI, 1696.

Consularis Viennensis.

CIL., XII, 1524.

Corrector Apuliae et Calabriae.

Not. Dign. Occ., p. 125. Seeck, p. 222. CIL., IX, 1579, 1115-1116, 1127, 329.

Corrector Augustamnicae.

Not. Dign. Or., p. 114.

Corrector Bruttii et Lucaniae.

CIL., VI, 1699; X, 517, 519, 212. C. Th., VII, 22, 1; VIII, 3, 1; XVI, 2, 2.

Corrector Italiae.

CIL., V, 2817, 8205; VI, 1673, 1418, 1419, 1707.

Corrector Paphlagoniae.

Not. Dign. Or., p. 115.

Curator Operum Maximorum.

CIL., VI, 1723; X, 6441. Wilm., 1230.

Curator Operum Publicorum.

CIL., VI, 1119, 1673. C. Th., VI, 20. Sym., V, 76.

Curator Statuarum.

CIL., VI, 1708. Wilm., 1227. O.-H., 3111. Var., VIII, 13.

Decuriones Silentariorum or *Sacri Palatii.*C. Th., VI, 2, 21; VI, 23, 4. C. J., XII, 16, 3, 5. These, after service, were *spectabiles*, C. Th., VI, 23, 1; VI, 16.*Decemprimi Domesticorum.*

C. J., XII, 17, 2. C. Th., VI, 13; VI, 24, 7-10; VI, 25.

Domesticus et Notarius.

CIL., VI, 1710. C. Th., VI, 10, 2, 3.

Epistolares.

C. J., XII, 19, 3, 5. C. Th., VI, 26, 7, 8, 16, 18.

Erogator Obsoniorum.

Var., XII, 11.

Exceptores Scriniorum.

C. J., XII, 19, 5. C. Th., VI, 26, 16.

Libellarii and Memoriales.

C. J., XII, 19, 3, 5. C. Th., VI, 26, 7, 8, 16, 18.

Magister Census.

CIL., VI, 1704, 1728. C. J., IV, 66, 3; VIII, 54, 32. (Still perf. in 469. C. J., I, 3, 32.)

Melloproximi Scriniorum.

C. J., XII, 19, 5. C. Th., VI, 26, 16.

Praeses Pannoniae.

CIL., VI, 1743.

Praeses Thebaidos.

Not. Dign. Or., p. 112. Seeck, p. 99.

Primicerius Domesticorum.

C. Th., VI, 24, 7, 11.

Primicerius Scholarum.

C. J., XII, 30, 2.

Procurator Aquarum.

CIL., VI, 1418. Lanc., Front., p. 322.

Rationales Summarum.

C. Th., VI, 22, 3; VI, 28, 2. Not. Dign. Occ., p. 337.

Rectores Provinciarum.

C. J., XI, 43 (42), 5; VII, 63, 2.

Senatores.

Var., I, 2; IV, 17; V, 25, 30, 36; IX, 11, 14; XII, 5.

Silentarii.

C. Th., VI, 2, 21; VI, 23, 4. C. J., XII, 16, 3, 5.

Tribunus Aquarum.

Bull. Com., 1872-1873, p. 131. Lanc., Front., p. 320, seq.

Tribunus Voluptatum.

C. Th., XV, 7, 13. De Rossi, Inscr. Chris., 989, 1005.

PERFECTISSIMI.

Navicularii.

C. Th., VIII, 5, 6.

Praeses Dalmatiae.

Not. Dign. Occ., p. 127. Seeck, 224.

Praeses Corsicae.

C. Th., I, 16, 3; II, 6, 2.

Praeses Samnium.

CIL., IX, 2641; X, 4858. O.-H., 6905, 6921.

Praeses Sardiniae.

C. Th., IX, 40, 3; XI, 7, 7; IX, 1, 12.

Praeses Valeriae.

CIL., VI, 1687, 1688.

Procuratores Rerum Privatarum.

C. Th., X, 7, 1, 2. C. J., X, 1, 7.

Protectores et Domestici.

E. E., V, p. 123, 26.

Rationalis Summae Rei.

C. Th., VI, 22, 3. CIL., VI, 1145.

Tribunus Cohortium Urbanarum.

CIL., VI, 1156. Dessau, 722.

EGREGII.

Decuriones.

C. Th., XII, 1, 5.

Magister Admissionum.

CIL., XIV, 3457. Wilm., 428. O.-H., 2974.

Procurator Sacrae Monetae.

CIL., VI, 1145.

Primipili.

C. Th., XII, 1, 5.

Subpraefectus Vigilum.

CIL., VI, 1226.

Tableau, p. 381, gives also the following:

The first two of the *scrinium auri ad responsum*: perf.
first class.

The first division of *scrinium vestiarii sacri*: perf. second class.

Tableau, p. 382, *primicerius scrinii argenti*: perf. second class.

ORDER OF PRECEDENCE AMONG THE ILLUSTRES.

IN ACTU POSITI. (C. J., XII, 8, 2, 440-441 A. D.)

Praefectus Praetorio.

Praefectus Urbis.

Magister Militum.

Praepositus Sacri Cubiculi.

Magister Officiorum.

Quaestor Sacri Palatii.

Comes Sacrarum Largitionum.

Comes Rerum Privatarum.

Comes Domesticorum.

HONORATI.¹ (C. J., XII, 8, 2, 1; XII, 4, 1, 2; XII, 3, 1, 1; XII, 5, 1.

C. Th., VI, 7, 1; VI, 8, 1.)

<i>Praefectus Praetorio,</i>	450 Year of Appointment. ²
<i>Magister Officiorum,</i>	451
<i>Praefectus Urbis,</i>	452
<i>Praepositus Sacri Cubiculi,</i>	453
<i>Comes Domesticorum,</i>	454
<i>Quaestor Sacri Palatii,</i>	455
<i>Comes Rerum Privatarum,</i>	456
<i>Magister Militum,</i>	457
<i>Praefectus Praetorio,</i>	458
<i>Comes Sacrarum Largitionum,</i>	459
<i>Praefectus Urbis,</i>	460

¹ As a mark of honor, these *honorati*, in the city, *carrucis bijugis semper utantur*. C. J., XI, 20 (19). C. Th., XIV, 12, 1. For the privileges of these *honorati*, C. J., II, 6, 5. C. Th., II, 10, 3.

² The years given here are purely hypothetical, and serve merely as illustrations.

VACANTES³ and HONORARIJ.⁴ (C. J., XII, 8, 2, 2; XII, 3, 1, 1.)

<i>Praefectus Praetorio.</i>	<i>Vacans Praesens,</i>	450	Year of App't.
"	"	"	451
"	"	" <i>Absens,</i>	449
"	"	"	450
"	"	<i>Honorarius Praesens,</i>	450
"	"	"	455
"	"	" <i>Absens,</i>	445
"	"	"	446
<i>Magister Officiorum.</i>	<i>Vacans Praesens,</i>	449	
"	"	"	452
"	"	" <i>Absens,</i>	448
"	"	"	449
"	"	<i>Honorarius Praesens,</i>	449
"	"	"	450
"	"	" <i>Absens,</i>	450
"	"	"	451

³ Any one of these *vacantes*, if entrusted with the actual functions of an *illustris*, would, for the time being, be numbered among those *in actu positi*, and be ranked above in the proper place. C. J., XII, 8, 2, 3.

⁴ In this division (*Honorarii*) there could be conferred among the *illustres*, by means of *honorarii codicilli* (C. J., III, 24, 3, 2. C. Th., VI, 10, 4), or *codicilli honorariae dignitatis* (C. J., XII, 8, 2), the titles of: *Praefectus praetorio* (C. J., XII, 8, 2, 4. C. Th., VI, 22, 7); *magister officiorum* (C. Th., VI, 10, 4); *magister equitum* (C. Th., VI, 22, 4). Among the other classes (*spectabilis, clarissimus*) there could be conferred the titles of: *Comes Consistorii* (C. Th., VI, 18, 1; VII, 23, 1); *consularis* (C. Th., VI, 22, 5); *rationalis* (C. Th., VI, 22, 3); *procurator* (C. Th., VI, 22, 6). For the expression *illustres honorarii*, C. J., XII, 1, 18. Th. Nov., XXV, 4.

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VITA.

Neapoli natus sum anno salutis MDCCCLXXX. Me puerum annum septimum agentem parentes, cum ex Italia in Americam septentrionalem migrarent, secum duxerunt, quo ex tempore paene continenter Novi Eboraci vixi. In ludo publico initium discendi feci; deinde ad Collegium Novi Eboraci missus sum. Quinque annos hic fui, anno MCMI ad gradum Baccalaurei in Artibus proventus summa cum laude. His de causis socius ibidem ad linguam Latinam docendam factus sum. Eodem tempore per annos duos ad Universitatem Columbiae me conferebam et viros scientia litterarum titulorumque Latinorum praestantes audiebam. Anno tertio Romam Universitatis sumptibus missus, in schola Americana discipulus fui. Post reditum lectiones in Collegio Novi Eboraci habui atque etiam nunc habeo.

Hac facultate oblata, gratias multis magistris meis agere cupio. In primis commemorandi sunt Stephanus P. Duggan et Nicolaus J. Maybee. Cum his familiarissime vixi semper, semper hos quam maxime amabo. Pietatem etiam erga Carolum G. Herbermann hic declarandam curo, qui consilis cohortationibusque paternis me iuvenem ad summum laborem suscipiendum impulit. Iam demum adultum me H. T. Peck, J. C. Egbert, N. G. McCrea receperunt ac recte firmaverunt, quos omnes summo in loco honoris pono atque in aeternum habebo. His, ut verbis Dantes summi poetae utar, bona ingenii angelorumque panem debeo. Postremo, si quid umquam beneficii ad litterarum mensam adferam, his et gesta et praemia sunt.

